

**BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation
Against:

Case No. 79/09-22

AMIGOS TEST ONLY

9712 Jurupa Road, Space C
Riverside, California 92509
SAMER G. ZAIT, Owner
Automotive Repair Dealer Registration
No. AC 248720
Smog Check Test Only Station License
No. TC 248720

and

HAZIM BASSAM RABADI

625 W. 48th Street
San Bernardino, California 92407
Advanced Emission Specialist Technician
License No. EA 149714

and

ELIAS HANNA HANNOUSH

13260 Running Deer Road
Moreno Valley, California 92553
Advanced Emission Specialist Technician
License No. EA 143599

Respondents.

DECISION

The attached Stipulated Revocation and Disciplinary Order As To Respondent Hannoush is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter only as to respondent Elias Hanna Hannoush, Advanced Emission Specialist Technician License No. EA 143599.

This Decision shall become effective 10/26/09.

DATED: September 23, 2009



PATRICIA HARRIS
Acting Chief Deputy Director
Department of Consumer Affairs

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER
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8 Attorneys for Complainant
9

10 **BEFORE THE**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
STATE OF CALIFORNIA

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14 Against:

15 **AMIGOS TEST ONLY**
9712 Jurupa Road, Space C
Riverside, California 92509
16 **SAMER G. ZAIT, OWNER**
Automotive Repair Dealer Registration
17 No. AC 248720
Smog Check Test Only Station License
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and

19 **HAZIM BASSAM RABADI**
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20 San Bernardino, California 92407
Advanced Emission Specialist Technician
21 License No. EA 149714,

and

22 **ELIAS HANNA HANNOUSH**
13260 Running Deer Road
23 Moreno Valley, California 92553
Advanced Emission Specialist Technician
24 License No. EA 143599

Respondents.

Case No. 79/09-22

**STIPULATED REVOCATION AND
DISCIPLINARY ORDER AS TO
RESPONDENT HANNOUSH**

26 IT IS HEREBY STIPULATED AND AGREED by and between Complainant and
27 Respondent Elias Hanna Hannoush that the following matters are true:

28 ///

1 PARTIES

2 1. Complainant Sherry Mehl (Complainant) is the Chief of the Bureau of
3 Automotive Repair (Bureau). She brought this action solely in her official capacity and is
4 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
5 by G. Michael German, Deputy Attorney General.

6 2. Respondent Elias Hanna Hannoush is represented by Edward R. Strelow, Esq.,
7 4333 Orange Street, Suite 10, Riverside, CA 92501 (951) 787-8960.

8 3. On a date uncertain in 2001, the Bureau issued Advanced Emission Specialist
9 Technician License Number EA 143599 ("technician license") to Elias Hanna Hannoush. The
10 technician license was in full force and effect at all times relevant to the charges brought herein
11 and will expire on January 31, 2011, unless renewed.

12 JURISDICTION

13 4. First Amended Accusation No. 79/09-22 was filed before the Director of
14 Consumer Affairs (Director), for the Bureau, and is currently pending against Respondent
15 Hannoush. The First Amended Accusation and all other statutorily required documents were
16 properly served on Respondent Hannoush on March 26, 2009. On April 13, 2009, Respondent
17 Hannoush timely filed his Notice of Defense contesting the First Amended Accusation. A true
18 and correct copy of First Amended Accusation No. 79/09-22 is attached as exhibit A and
19 incorporated herein by reference.

20 ADVISEMENT AND WAIVERS

21 5. Respondent Hannoush has carefully read, fully discussed with counsel, and
22 understands the charges and allegations in Accusation No. 79/09-22 Respondent Hannoush has
23 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated
24 Revocation and Disciplinary Order.

25 6. Respondent Hannoush is fully aware of his legal rights in this matter, including
26 the right to a hearing on the charges and allegations in the Accusation; the right to confront and
27 cross-examine the witnesses against him; the right to present evidence and to testify on his own
28 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the

1 production of documents; the right to reconsideration and court review of an adverse decision;
2 and all other rights accorded by the California Administrative Procedure Act and other
3 applicable laws.

4 7. Respondent Hannoush voluntarily, knowingly, and intelligently waives and gives
5 up each and every right set forth above.

6 CULPABILITY

7 8. Respondent Hannoush admits the truth of each and every charge and allegation
8 contained in First Amended Accusation No. 79/09-22.

9 9. Respondent Hannoush agrees that his technician's license is subject to discipline
10 and agrees to be bound by the Director's imposition of discipline as set forth in the Disciplinary
11 Order below.

12 CONTINGENCY

13 10. This stipulation shall be subject to approval by the Director of Consumer Affairs
14 or her designee. Respondent Hannoush understands and agrees that counsel for Complainant
15 and the staff of the Bureau may communicate directly with the Director and staff of the
16 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or
17 participation by Respondent Hannoush. By signing the stipulation, Respondent Hannoush
18 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
19 prior to the time the Director considers and acts upon it. If the Director fails to adopt this
20 stipulation as the Decision and Order, the Stipulated Revocation and Disciplinary Order shall be
21 of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
22 between the parties, and the Director shall not be disqualified from further action by having
23 considered this matter.

24 11. The parties understand and agree that facsimile copies of this Stipulated
25 Revocation and Disciplinary Order, including facsimile signatures thereto, shall have the same
26 force and effect as the originals.

27 12. In consideration of the foregoing admissions and stipulations, the parties agree
28 that the Director may, without further notice or formal proceeding, issue and enter the following

1 Disciplinary Order:

2 **DISCIPLINARY ORDER**

3 IT IS HEREBY ORDERED that Advanced Emission Specialist Technician License
4 Number EA 143599 issued to Respondent Elias Hanna Hannoush is revoked.

5 1. The revocation of Respondent Hannoush's advanced emission specialist
6 technician license shall constitute the imposition of discipline against Respondent Hannoush.
7 This stipulation constitutes a record of the discipline and shall become a part of Respondent
8 Hannoush's license history with the Bureau.

9 2. Respondent Hannoush shall lose all rights and privileges as a licensed advanced
10 emission specialist technician as of the effective date of the Director's Decision and Order.

11 3. Respondent Hannoush shall cause to be delivered to the Bureau all his registration
12 and license wall and pocket license certificates on or before the effective date of the Decision
13 and Order.

14 4. Respondent Hannoush shall not petition for reinstatement or apply for any new
15 registration or license with the Bureau, for a period of five (5) years from the effective date of
16 this Decision and Order. If Respondent Hannoush ever applies for licensure or petitions for
17 reinstatement in the state of California, the Bureau shall treat it as a new application for
18 licensure. Respondent Hannoush must comply with all the laws, regulations and procedures for
19 licensure in effect at the time the application or petition is filed.

20 5. Should Respondent Hannoush ever apply or reapply for a new license or
21 certification, or petition for reinstatement of a license, all of the charges and allegations
22 contained in First Amended Accusation No. 79/09-22 shall be deemed to be true, correct, and
23 admitted by Respondent Hannoush for the purpose of any Statement of Issues or any other
24 proceeding seeking to deny or restrict licensure.

25 6. The costs of investigation and enforcement of this case are \$30,732.38 through
26 June 30, 2009. These costs are the actual and total costs incurred by the Bureau to investigate
27 and prosecute the case. The Bureau agrees to waive all of these costs unless and until
28 Respondent Hannoush applies for reinstatement of his advanced emission specialist technician

1 license, or for any new registration or license with the Bureau, in which case Respondent
2 Hannoush shall pay these costs in full at the time when such application is made.

3 ACCEPTANCE


4 I have carefully read the Stipulated Revocation and Disciplinary Order and understand
5 the effect it will have on my advanced emission specialist technician license. I enter into this
6 Stipulated Revocation and Disciplinary Order voluntarily, knowingly, and intelligently, and
7 agree to be bound by the Decision and Order of the Director of Consumer Affairs.

8
9 DATED: 8/13/09


10 ELIAS HANNA HANNOUSH
Respondent

11 I have read and fully discussed with Respondent Hannoush the terms and conditions and
12 other matters contained in the above Stipulated Revocation and Disciplinary Order. I approve its
13 form and content.

14
15 DATED: 8/13/09


16 EDWARD R. STRELOW
Attorney for Respondent Hannoush

17
18 ENDORSEMENT

19 The foregoing Stipulated Revocation and Disciplinary Order is hereby respectfully submitted
20 for consideration by the Director of Consumer Affairs.

21
22 DATED: August 17, 2009

EDMUND G. BROWN JR., Attorney General
of the State of California

23
24 
25 G. MICHAEL GERMAN
26 Deputy Attorney General
Attorneys for Complainant
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1 EDMUND G. BROWN JR., Attorney General
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8 Attorneys for Complainant

9 **BEFORE THE**
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SAMER G. ZAIT, OWNER
15 Automotive Repair Dealer Registration
No. AC 248720
16 Smog Check Test Only Station License
No. TC 248720

FIRST AMENDED
ACCUSATION

[SMOG CHECK]

17 and
HAZIM BASSAM RABADI
18 625 W. 48th Street
San Bernardino, California 92407
19 Advanced Emission Specialist Technician
License No. EA 149714,

20 and
ELIAS HANNA HANNOUSH
21 13260 Running Deer Road
Moreno Valley, California 92553
22 Advanced Emission Specialist Technician
License No. EA 143599

23 Respondents.

24
25 Sherry Mehl ("Complainant") alleges:

26 **PARTIES**

27 1. Complainant brings this Accusation solely in her official capacity as the Chief of
28 the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

1 **Automotive Repair Dealer Registration**

2 2. On or about January 4, 2006, the Bureau issued Automotive Repair Dealer
3 Registration Number AC 248720 ("registration") to Samer G. Zait ("Respondent"), doing
4 business as Amigos Test Only. The registration will expire on December 31, 2008, unless
5 renewed.

6 **Smog Check Test Only Station License**

7 3. On or about January 23, 2007, the Bureau issued Smog Check Test Only Station
8 License Number TC 248720 ("station license") to Respondent Amigos. The station license will
9 expire on December 31, 2008, unless renewed.

10 **Advanced Emission Specialist Technician License (Rabadi)**

11 4. On or about October 27, 2004, the Bureau issued Advanced Emission Specialist
12 Technician License Number EA 149714 ("technician license") to Hazim Bassam Rabadi
13 ("Respondent Rabadi"). The technician license will expire on January 31, 2009, unless renewed.

14 **Advanced Emission Specialist Technician License (Hannoush)**

15 5. On a date uncertain in 2001, the Bureau issued Advanced Emission Specialist
16 Technician License Number EA 143599 ("technician license") to Elias Hanna Hannoush
17 ("Respondent Hannoush"). The technician license will expire on January 31, 2009, unless
18 renewed.

19 **STATUTORY PROVISIONS**

20 6. Section 490 of the Business & Professions Code (Code) states:

21 (a) In addition to any other action that a board is permitted to take
22 against a licensee, a board may suspend or revoke a license on the ground
23 that the licensee has been convicted of a crime, if the crime is substantially
related to the qualifications, functions, or duties of the business or profession
for which the license was issued.

24 (b) Notwithstanding any other provision of law, a board may
25 exercise any authority to discipline a licensee for conviction of a crime that
26 is independent of the authority granted under subdivision (a) only if the crime
is substantially related to the qualifications, functions, or duties of the business
or profession for which the licensee's license was issued.

27 (c) A conviction within the meaning of this section means a plea or
28 verdict of guilty or a conviction following a plea of nolo contendere. Any action
that a board is permitted to take following the establishment of a conviction may

1 be taken when the time for appeal has elapsed, or the judgment of conviction has
2 been affirmed on appeal, or when an order granting probation is made suspending
3 the imposition of sentence, irrespective of a subsequent order under the provisions
4 of Section 1203.4 of the Penal Code.

5 (d) The Legislature hereby finds and declares that the application of this
6 section has been made unclear by the holding in *Petropoulos v. Department of Real*
7 *Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a
8 significant number of statutes and regulations in question, resulting in potential
9 harm to the consumers of California from licensees who have been convicted of
10 crimes. Therefore, the Legislature finds and declares that this section establishes an
11 independent basis for a board to impose discipline upon a licensee, and that the
12 amendments to this section made by Senate Bill 797 of the 2007 -08 Regular
13 Session do not constitute a change to, but rather are declaratory of, existing law.

14 7. Section 493 of the Code states:

15 Notwithstanding any other provision of law, in a proceeding conducted
16 by a board within the department pursuant to law to deny an application for a
17 license or to suspend or revoke a license or otherwise take disciplinary action
18 against a person who holds a license, upon the ground that the applicant or the
19 licensee has been convicted of a crime substantially related to the qualifications,
20 functions, and duties of the licensee in question, the record of conviction of the
21 crime shall be conclusive evidence of the fact that the conviction occurred, but
22 only of that fact, and the board may inquire into the circumstances surrounding the
23 commission of the crime in order to fix the degree of discipline or to determine if
24 the conviction is substantially related to the qualifications, functions, and duties
25 of the licensee in question.

26 As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,'
27 and 'registration.'

28 8. Section 9884.7 of the Code states, in pertinent part:

(a) The director, where the automotive repair dealer cannot show there
was a bona fide error, may refuse to validate, or may invalidate temporarily or
permanently, the registration of an automotive repair dealer for any of the
following acts or omissions related to the conduct of the business of the
automotive repair dealer, which are done by the automotive repair dealer or any
automotive technician, employee, partner, officer, or member of the automotive
repair dealer.

(1) Making or authorizing in any manner or by any means whatever any
statement written or oral which is untrue or misleading, and which is known, or
which by the exercise of reasonable care should be known, to be untrue or
misleading.

....

(4) Any other conduct which constitutes fraud.

(b) Except as provided for in subdivision (c), if an automotive repair
dealer operates more than one place of business in this state, the director pursuant
to subdivision (a) shall only invalidate temporarily or permanently the registration
of the specific place of business which has violated any of the provisions of this

1 chapter. This violation, or action by the director, shall not affect in any manner
2 the right of the automotive repair dealer to operate his or her other places of
business.

3 (c) Notwithstanding subdivision (b), the director may invalidate
4 temporarily or permanently, the registration for all places of business operated in
5 this state by an automotive repair dealer upon a finding that the automotive repair
dealer has, or is, engaged in a course of repeated and willful violations of this
chapter, or regulations adopted pursuant to it.

6 9. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
7 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
8 proceeding against an automotive repair dealer or to render a decision invalidating a registration
9 temporarily or permanently.

10 10. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"
11 "commission," "committee," "department," "division," "examining committee," "program," and
12 "agency." "License" includes certificate, registration or other means to engage in a business or
13 profession regulated by the Code.

14 11. Section 44002 of the Health and Safety Code provides, in pertinent part, that the
15 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
16 the Motor Vehicle Inspection Program.

17 12. Section 44072.2 of the Health and Safety Code states, in pertinent part:

18 The director may suspend, revoke, or take other disciplinary action against
19 a license as provided in this article if the licensee, or any partner, officer, or
director thereof, does any of the following:

20 (a) Violates any section of this chapter [the Motor Vehicle Inspection
21 Program (Health and Saf. Code, § 44000, et seq.)) and the regulations adopted
pursuant to it, which related to the licensed activities.

22 (c) Violates any of the regulations adopted by the director pursuant to this
23 chapter.

24 (d) Commits any act involving dishonesty, fraud, or deceit whereby
another is injured.

25 13. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
26 expiration or suspension of a license by operation of law, or by order or decision of the Director
27 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
28 the Director of jurisdiction to proceed with disciplinary action.

1 14. Section 44072.8 of the Health & Safety Code states:
2 “When a license has been revoked or suspended following a hearing under this
3 article, any additional license issued under this chapter in the name of the licensee may be
4 likewise revoked or suspended by the director.”

5 **COST RECOVERY**

6 15. Code section 125.3 provides, in pertinent part, that a Board may request the
7 administrative law judge to direct a licentiate found to have committed a violation or violations
8 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **SURVEILLANCE OPERATION - MARCH 5, 2007**

11 16. On or about March 5, 2007, the Bureau performed a visual/videotaped
12 surveillance of Respondent Amigos’s facility. The surveillance operation and information
13 obtained from the Bureau’s Vehicle Information Database (“VID”) revealed that between
14 approximately 0854 hours and 1537 hours, Respondent Rabadi performed six (6) smog
15 inspections that resulted in the issuance of electronic certificates of compliance for the vehicles
16 set forth in Table 1, below, certifying that he had tested and inspected the vehicles and that the
17 vehicles were in compliance with applicable laws and regulations. In fact, Respondent Rabadi
18 performed the smog inspections using the clean piping^{1/} method by using the tail pipe emissions
19 of vehicles other than the vehicles being certified in order to issue the certificates of compliance.
20 The vehicles certified were not in the test bay at the time of the smog inspections.

21 **Table 1**

Date & Time	Vehicle Certified	Vehicle Actually Tested	Cert No.
3/5/2007 0854 hours to 0907 hours	1992 Lexus LS400 Lic. No. 4GXE498	Lexus GS300	VF322378C

26 _____
27 1. “Clean piping” is sampling the (clean) tailpipe emissions and/or the RPM readings of
28 another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not
in compliance or are not present in the smog check area during the time of the certification.

3/5/2007 0923 hours to 0934 hours	1997 Pontiac Grand Am Lic. No. 3UDU102	Chevrolet S10 Pickup	VF322380C
3/5/2007 1415 hours to 1429 hours	1992 Acura Integra Lic. No. 2ZPH234	Chevrolet S10 Pickup	VF322394C
3/5/2007 1528 hours to 1537 hours	2000 Honda Civic Lic. No. 992557S	Chevrolet S10 Pickup	VF322395C

Table 1A

Date & Time	Vehicle to be Certified	Vehicle Actually Tested	Certificate
3/5/2007 1453 hours to 1503 hours	1992 Volkswagen Passat Lic. No. 4SBM185	Chevrolet S10 Pickup	No Cert Issued
3/5/2007 1509 hours to 1519 hours	1990 Volkswagen Vanagon	Chevrolet S10 Pickup	No Cert Issued

FIRST CAUSE FOR DISCIPLINE

(Misleading Statements)

17. Respondent Amigos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about March 5, 2007, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading when he issued the electronic certificates of compliance for the vehicles set forth in Table 1, above, certifying that the vehicles were in compliance with applicable laws and regulations when, in fact, the vehicles had been clean piped.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

18. Respondent Amigos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about March 5, 2007, he committed acts which constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in

1 Table 1, above, without performing bona fide inspections of the emission control devices and
2 systems on those vehicles, thereby depriving the People of the State of California of the
3 protection afforded by the Motor Vehicle Inspection Program.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Violation of the Motor Vehicle Inspection Program)**

6 19. Respondent Amigos has subjected his station license to discipline under Health
7 and Safety Code section 44072.2, subdivision (a), in that on or about March 5, 2007, he violated
8 sections of that Code, as follows:

9 a. **Section 44012, subdivision (f):** Respondent Amigos failed to perform
10 emission control tests on the vehicles set forth in Tables 1 and 1A, above, in accordance with
11 procedures prescribed by the department.

12 b. **Section 44015, subdivision (b):** Respondent Amigos issued the
13 electronic certificates of compliance for the vehicles set forth in Table 1, above, without properly
14 testing and inspecting the vehicles to determine if they were in compliance with section 44012 of
15 that Code.

16 c. **Section 44059:** Respondent Amigos willfully made false entries for the
17 electronic certificates of compliance set forth in Table 1, above, by certifying that those vehicles
18 had been inspected as required when, in fact, they had not.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

21 20. Respondent Amigos has subjected his station license to discipline under Health
22 and Safety Code section 44072.2, subdivision (c), in that on or about March 5, 2007, he violated
23 sections of the California Code of Regulations, title 16, as follows:

24 d. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or
25 fraudulently issued the electronic certificates of compliance for the vehicles set forth in Table 1,
26 above, without performing bona fide inspections of the emission control devices and systems on
27 those vehicles as required by Health and Safety Code section 44012.

28 e. **Section 3340.35, subdivision (c):** Respondent Amigos issued the

1 electronic certificates of compliance for the vehicles set forth in Table 1, above, even though the
2 vehicles had not been inspected in accordance with section 3340.42 of that Code.

3 f. **Section 3340.42:** Respondent Amigos failed to conduct the required
4 smog tests and inspections on the vehicles set forth in Tables 1 and 1A, above, in accordance
5 with the Bureau's specifications.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Dishonesty, Fraud or Deceit)**

8 21. Respondent Amigos subjected his station license to discipline under Health and
9 Safety Code section 44072.2, subdivision (d), in that on or about March 5, 2007, regarding the
10 vehicles set forth in Table 1, above, he committed acts involving dishonesty, fraud or deceit
11 whereby another was injured by issuing the electronic certificates of compliance for those
12 vehicles when, in fact, those vehicles had not been properly tested and inspected, thereby
13 depriving the People of the State of California of the protection afforded by the Motor Vehicle
14 Inspection Program.

15 **SIXTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program)**

17 22. Respondent Rabadi has subjected his technician license to discipline under Health
18 and Safety Code section 44072.2, subdivision (a), in that on or about March 5, 2007, he violated
19 sections of that Code, as follows:

20 g. **Section 44012, subdivision (f):** Respondent Rabadi failed to determine
21 that all emission control devices and systems required by law were installed and functioning
22 correctly on the vehicles set forth in Tables 1 and 1A, above, in accordance with test procedures.

23 h. **Section 44032:** Respondent Rabadi failed to perform tests of the
24 emission control devices and systems on the vehicles set forth in Tables 1 and 1A, above, in
25 accordance with section 44012 of that Code, in that the vehicles had been clean piped.

26 i. **Section 44059:** Respondent Rabadi made false entries into the Emission
27 Inspection System ("EIS") for the certificates of compliance set forth in Table 1, above, by
28 entering vehicle identification information or emissions information for vehicles other than the

1 vehicles being certified.

2 **SEVENTH CAUSE FOR DISCIPLINE**

3 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

4 23. Respondent Rabadi has subjected his technician license to discipline under Health
5 and Safety Code section 44072.2, subdivision (c), in that on or about March 5, 2007, he violated
6 sections of the California Code of Regulations, title 16, as follows:

7 j. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or
8 fraudulently issued the electronic certificates of compliance for the vehicles set forth in Table 1,
9 above, without performing bona fide inspections of the emission control devices and systems on
10 those vehicles as required by Health and Safety Code section 44012.

11 k. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect
12 and test the vehicles set forth in Tables 1 and 1A, above, in accordance with Health and Safety
13 Code section 44012.

14 l. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false
15 information for the electronic certificates of compliance for the vehicles set forth in Table 1,
16 above, by entering vehicle identification information or emission control information for
17 vehicles other than the vehicles being tested.

18 m. **Section 3340.42:** Respondent Rabadi failed to conduct the required
19 smog tests and inspections on the vehicles set forth in Tables 1 and 1A, above, in accordance
20 with the Bureau's specifications.

21 **EIGHTH CAUSE FOR DISCIPLINE**

22 **(Dishonesty, Fraud or Deceit)**

23 24. Respondent Rabadi has subjected his technician license to discipline under Health
24 and Safety Code section 44072.2, subdivision (d), in that on or about March 5, 2007, he
25 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the
26 electronic certificates of compliance for those vehicles without performing bona fide inspections
27 of the emission control devices and systems on the vehicles set forth in Table 1, above, thereby
28 depriving the People of the State of California of the protection afforded by the Motor Vehicle

1 Inspection Program.

2 **SURVEILLANCE OPERATION - MARCH 14, 2007**

3 25. On or about March 14, 2007, the Bureau performed a videotaped surveillance of
4 Respondent Amigos's facility. The surveillance operation and information obtained from the
5 Bureau's VID revealed that between approximately 1354 hours and 1516 hours, Respondent
6 Rabadi performed five (5) smog inspections that resulted in the issuance of electronic certificates
7 of compliance, certifying that he had tested and inspected the vehicles set forth in Table 2,
8 below, and that those vehicles were in compliance with applicable laws and regulations. In fact,
9 Respondent Rabadi performed the smog inspections using the clean piping method by using the
10 tail pipe emissions of vehicles other than the vehicles being certified in order to issue the
11 certificates of compliance.

12 **Table 2**

13

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Cert Issued
14 3/14/2007 15 1354 hours 16 to 1403 hours	1999 Cadillac Seville Lic. No. 4EEC797	Chevrolet S-10 pickup	VF453084C
17 3/14/2007 18 1408 hours 19 to 1417 hours	1984 Toyota pickup Lic. No. 7V90225	Chevrolet S-10 pickup	VF453085C
20 3/14/2007 21 1423 hours 22 to 1438 hours	2000 Ford Mustang Lic. No. 703367S	Chevrolet S-10 pickup	VF453086C
23 3/14/2007 24 1442 hours 25 to 1443 hours	1996 Mercury Cougar Lic. No. 3RBG437	Chevrolet S-10 pickup	No Cert Test Aborted
26 3/14/2007 27 1455 hours 28 to 1503 hours	1996 Mercury Cougar Lic. No. 3RBG437	Chevrolet S-10 pickup	VF453087C
3/14/2007 1507 hours to 1516 hours	1999 Nissan Maxima Lic. No. 5WTG833	Chevrolet S-10 pickup	VF453088C

1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 26. Respondent Amigos has subjected his registration to discipline under Code
4 section 9884.7, subdivision (a)(1), in that on or about March 14, 2007, he made statements which
5 he knew or which by exercise of reasonable care he should have known were untrue or
6 misleading when he issued the electronic certificates of compliance for the vehicles set forth in
7 Table 2, above, certifying that those vehicles were in compliance with applicable laws and
8 regulations when, in fact, the vehicles had been cleanpiped.

9 **TENTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 27. Respondent Amigos has subjected his registration to discipline under Code
12 section 9884.7, subdivision (a)(4), in that on or about March 14, 2007, he committed acts which
13 constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in
14 Table 2, above, without performing bona fide inspections of the emission control devices and
15 systems on those vehicles, thereby depriving the People of the State of California of the
16 protection afforded by the Motor Vehicle Inspection Program.

17 **ELEVENTH CAUSE FOR DISCIPLINE**

18 **(Violation of the Motor Vehicle Inspection Program)**

19 28. Respondent Amigos has subjected his station license to discipline under Health
20 and Safety Code section 44072.2, subdivision (a), in that on or about March 14, 2007, regarding
21 the vehicles set forth in Table 2, above, he violated sections of that Code, as follows:

22 n. **Section 44012, subdivision (f):** Respondent Amigos failed to perform
23 emission control tests on those vehicles in accordance with procedures prescribed by the
24 department.

25 o. **Section 44015, subdivision (b):** Respondent Amigos issued the
26 electronic certificates of compliance for those vehicles without properly testing and inspecting
27 the vehicles to determine if they were in compliance with section 44012 of that Code.

28 p. **Section 44059:** Respondent Amigos willfully made false entries for the

1 electronic certificates of compliance by certifying that those vehicles had been inspected as
2 required when, in fact, they had not.

3 **TWELFTH CAUSE FOR DISCIPLINE**

4 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

5 29. Respondent Amigos has subjected his station license to discipline under Health
6 and Safety Code section 44072.2, subdivision (c), in that on or about March 14, 2007, regarding
7 the vehicles set forth in Table 2, above, he violated sections of the California Code of
8 Regulations, title 16, as follows:

9 q. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or
10 fraudulently issued the electronic certificates of compliance for those vehicles without
11 performing bona fide inspections of the emission control devices and systems on those vehicles
12 as required by Health and Safety Code section 44012.

13 r. **Section 3340.35, subdivision (c):** Respondent Amigos issued the
14 electronic certificates of compliance for those vehicles even though the vehicles had not been
15 inspected in accordance with section 3340.42 of that Code.

16 s. **Section 3340.42:** Respondent Amigos failed to conduct the required
17 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

18 **THIRTEENTH CAUSE FOR DISCIPLINE**

19 **(Dishonesty, Fraud or Deceit)**

20 30. Respondent Amigos has subjected his station license to discipline under Health
21 and Safety Code section 44072.2, subdivision (d), in that on or about March 14, 2007, regarding
22 the vehicles set forth in Table 2, above, he committed acts involving dishonesty, fraud or deceit
23 whereby another was injured by issuing the electronic certificates of compliance for those
24 vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby depriving
25 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
26 Program.

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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program)**

3 31. Respondent Rabadi has subjected his technician license to discipline under Health
4 and Safety Code section 44072.2, subdivision (a), in that on or about March 14, 2007, regarding
5 the vehicles set forth in Table 2, above, he violated sections of that Code, as follows:

6 t. **Section 44012, subdivision (f):** Respondent Rabadi failed to perform
7 emission control tests on those vehicles in accordance with procedures prescribed by the
8 department.

9 u. **Section 44032:** Respondent Rabadi failed to perform tests of the
10 emission control devices and systems on those vehicles in accordance with section 44012 of that
11 Code, in that the vehicles had been clean piped.

12 v. **Section 44059:** Respondent Rabadi made false entries for the electronic
13 certificates of compliance by certifying that those vehicles had been inspected as required when,
14 in fact, they had not.

15 **FIFTEENTH CAUSE FOR DISCIPLINE**

16 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

17 32. Respondent Rabadi has subjected his technician license to discipline under Health
18 and Safety Code section 44072.2, subdivision (c), in that on or about March 14, 2007, regarding
19 the vehicles set forth in Table 2, above, he violated sections of the California Code of
20 Regulations, title 16, as follows:

21 w. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or
22 fraudulently issued the electronic certificates of compliance for those vehicles without
23 performing bona fide inspections of the emission control devices and systems on those vehicles
24 as required by Health and Safety Code section 44012.

25 x. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect
26 and test those vehicles in accordance with Health and Safety Code section 44012.

27 y. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false
28 information into the EIS for the electronic certificates of compliance for those vehicles by

1 entering vehicle identification information or emission control information for vehicles other
2 than the vehicles being tested.

3 z. **Section 3340.42:** Respondent Rabadi failed to conduct the required
4 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

5 **SIXTEENTH CAUSE FOR DISCIPLINE**

6 **(Dishonesty, Fraud or Deceit)**

7 33. Respondent Rabadi has subjected his technician license to discipline under Health
8 and Safety Code section 44072.2, subdivision (d), in that on or about March 14, 2007, he
9 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the
10 electronic certificates of compliance for the vehicles set forth in Table 2, above, without
11 performing bona fide inspections of the emission control devices and systems on those vehicles,
12 thereby depriving the People of the State of California of the protection afforded by the Motor
13 Vehicle Inspection Program.

14 **SURVEILLANCE OPERATION - MARCH 15, 2007**

15 34. On or about March 15, 2007, the Bureau performed a videotaped surveillance of
16 Respondent Amigos's facility. The surveillance operation and information obtained from the
17 Bureau's VID revealed that between approximately 1518 hours and 1552 hours, Respondent
18 Rabadi performed three (3) smog inspections that resulted in the issuance of electronic
19 certificates of compliance, certifying that he had tested and inspected the vehicles set forth in
20 Table 3, below, and that those vehicles were in compliance with applicable laws and regulations.
21 In fact, Respondent Rabadi performed the smog inspections using the clean piping method by
22 using the tail pipe emissions of vehicles other than the vehicles being certified in order to issue
23 the certificates of compliance.

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Table 3

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Cert Issued
3/15/2007 1518 hours to 1527 hours	1993 Toyota pickup Lic. No. 8A65705	Chevrolet S-10 pickup	VF501968C
3/15/2007 1531 hours to 1540 hours	1988 Honda Civic Lic. No. 5HVT381	Chevrolet S-10 pickup	VF501969C
3/15/2007 1545 hours to 1552 hours	1992 Toyota Corolla Lic. No. 4ZCC255	Chevrolet S-10 pickup	VF501970C

SEVENTEENTH CAUSE FOR DISCIPLINE

(Misleading Statements)

35. Respondent Amigos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about March 15, 2007, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading when he issued the electronic certificates of compliance for the vehicles set forth in Table 3, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, the vehicles had been cleanpiped.

EIGHTEENTH CAUSE FOR DISCIPLINE

(Fraud)

36. Respondent Amigos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about March 15, 2007, he committed acts which constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in Table 3, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

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1 **NINETEENTH CAUSE FOR DISCIPLINE**

2 **(Violation of the Motor Vehicle Inspection Program)**

3 37. Respondent Amigos has subjected his station license to discipline under Health
4 and Safety Code section 44072.2, subdivision (a), in that on or about March 15, 2007, regarding
5 the vehicles set forth in Table 3, above, he violated sections of that Code, as follows:

6 aa. **Section 44012, subdivision (f):** Respondent Amigos failed to perform
7 emission control tests on those vehicles in accordance with procedures prescribed by the
8 department.

9 bb. **Section 44015, subdivision (b):** Respondent Amigos issued the
10 electronic certificates of compliance for those vehicles without properly testing and inspecting
11 the vehicles to determine if they were in compliance with section 44012 of that Code.

12 cc. **Section 44059:** Respondent Amigos willfully made false entries for the
13 electronic certificates of compliance by certifying that those vehicles had been inspected as
14 required when, in fact, they had not.

15 **TWENTIETH CAUSE FOR DISCIPLINE**

16 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

17 38. Respondent Amigos has subjected his station license to discipline under Health
18 and Safety Code section 44072.2, subdivision (c), in that on or about March 15, 2007, regarding
19 the vehicles set forth in Table 3, above, he violated sections of the California Code of
20 Regulations, title 16, as follows:

21 dd. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or
22 fraudulently issued the electronic certificates of compliance for those vehicles without
23 performing bona fide inspections of the emission control devices and systems on those vehicles
24 as required by Health and Safety Code section 44012.

25 ee. **Section 3340.35, subdivision (c):** Respondent Amigos issued the
26 electronic certificates of compliance for those vehicles even though the vehicles had not been
27 inspected in accordance with section 3340.42 of that Code.

28 ff. **Section 3340.42:** Respondent Amigos failed to conduct the required

1 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

2 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

3 **(Dishonesty, Fraud or Deceit)**

4 39. Respondent Amigos has subjected his station license to discipline under Health
5 and Safety Code section 44072.2, subdivision (d), in that on or about March 15, 2007, regarding
6 the vehicles set forth in Table 3, above, he committed acts involving dishonesty, fraud or deceit
7 whereby another was injured by issuing the electronic certificates of compliance for those
8 vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby depriving
9 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
10 Program.

11 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

12 **(Violations of the Motor Vehicle Inspection Program)**

13 40. Respondent Rabadi has subjected his technician license to discipline under Health
14 and Safety Code section 44072.2, subdivision (a), in that on or about March 15, 2007, regarding
15 the vehicles set forth in Table 3, above, he violated sections of that Code, as follows:

16 gg. **Section 44012, subdivision (f):** Respondent Rabadi failed to perform
17 emission control tests on those vehicles in accordance with procedures prescribed by the
18 department.

19 hh. **Section 44032:** Respondent Rabadi failed to perform tests of the
20 emission control devices and systems on those vehicles in accordance with section 44012 of that
21 Code, in that the vehicles had been clean piped.

22 ii. **Section 44059:** Respondent Rabadi willfully made false entries for the
23 electronic certificates of compliance by certifying that those vehicles had been inspected as
24 required when, in fact, they had not.

25 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

26 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

27 41. Respondent Rabadi has subjected his technician license to discipline under Health
28 and Safety Code section 44072.2, subdivision (c), in that on or about March 15, 2007, regarding

1 the vehicles set forth in Table 3, above, he violated sections of the California Code of
2 Regulations, title 16, as follows:

3 jj. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or
4 fraudulently issued the electronic certificates of compliance for those vehicles without
5 performing bona fide inspections of the emission control devices and systems on those vehicles
6 as required by Health and Safety Code section 44012.

7 kk. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect
8 and test those vehicles in accordance with Health and Safety Code section 44012.

9 ll. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false
10 information into the EIS for the electronic certificates of compliance for those vehicles by
11 entering vehicle identification information or emission control information for vehicles other
12 than the vehicles being tested.

13 mm. **Section 3340.42:** Respondent Rabadi failed to conduct the required
14 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

15 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

16 **(Dishonesty, Fraud or Deceit)**

17 42. Respondent Rabadi has subjected his technician license to discipline under Health
18 and Safety Code section 44072.2, subdivision (d), in that on or about March 15, 2007, he
19 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the
20 electronic certificates of compliance for the vehicles set forth in Table 3, above, without
21 performing bona fide inspections of the emission control devices and systems on those vehicles,
22 thereby depriving the People of the State of California of the protection afforded by the Motor
23 Vehicle Inspection Program.

24 **SURVEILLANCE OPERATION - MARCH 19, 2007**

25 43. On or about March 19, 2007, the Bureau performed a videotaped surveillance at
26 Respondent Amigos's facility. The surveillance operation and information obtained from the
27 Bureau's VID revealed that between approximately 1458 hours and 1537 hours, Respondent
28 Rabadi performed three (3) smog inspections that resulted in the issuance of electronic

1 certificates of compliance, certifying that he had tested and inspected the vehicles set forth in
2 Table 4, below, and that those vehicles were in compliance with applicable laws and regulations.
3 In fact, Respondent Rabadi performed the smog inspections using the clean piping method by
4 using the tail pipe emissions of vehicles other than the vehicles being certified in order to issue
5 the certificates of compliance.

6 **Table 4**

7 Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Cert Issued
8 3/19/2007 9 1458 hours 10 to 11 1507 hours	1996 Oldsmobile Achieva Lic. No. 5EDC973	Chevrolet S-10 pickup	VF537867C
12 3/19/2007 13 1516 hours 14 to 15 1523 hours	1989 GMC C2500 Sierra Lic. No. 3Z69296	Lexus GS300	VF537868C
16 3/19/2007 17 1528 hours 18 to 19 1537 hours	1998 Toyota Corolla Lic. No. 4DVD644	Chevrolet SUV	VF537869C

20 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

21 **(Misleading Statements)**

22 44. Respondent Amigos has subjected his registration to discipline under Code
23 section 9884.7, subdivision (a)(1), in that on or about March 19, 2007, he made statements which
24 he knew or which by exercise of reasonable care he should have known were untrue or
25 misleading when he issued the electronic certificates of compliance for the vehicles set forth in
26 Table 4, above, certifying that those vehicles were in compliance with applicable laws and
27 regulations when, in fact, the vehicles had been clean piped.

28 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

(Fraud)

45. Respondent Amigos has subjected his registration to discipline under Code
section 9884.7, subdivision (a)(4), in that on or about March 19, 2007, he committed acts which
constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in

1 Table 4, above, without performing bona fide inspections of the emission control devices and
2 systems on those vehicles, thereby depriving the People of the State of California of the
3 protection afforded by the Motor Vehicle Inspection Program.

4 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

5 **(Violation of the Motor Vehicle Inspection Program)**

6 46. Respondent Amigos has subjected his station license to discipline under Health
7 and Safety Code section 44072.2, subdivision (a), in that on or about March 19, 2007, regarding
8 the vehicles set forth in Table 4, above, he violated sections of that Code, as follows:

9 nn. **Section 44012, subdivision (f):** Respondent Amigos failed to perform
10 emission control tests on those vehicles in accordance with procedures prescribed by the
11 department.

12 oo. **Section 44015, subdivision (b):** Respondent Amigos issued the
13 electronic certificates of compliance for those vehicles without properly testing and inspecting
14 the vehicles to determine if they were in compliance with section 44012 of that Code.

15 pp. **Section 44059:** Respondent Amigos willfully made false entries for the
16 electronic certificates of compliance by certifying that those vehicles had been inspected as
17 required when, in fact, they had not.

18 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

19 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

20 47. Respondent Amigos has subjected his station license to discipline under Health
21 and Safety Code section 44072.2, subdivision (c), in that on or about March 19, 2007, regarding
22 the vehicles set forth in Table 4, above, he violated sections of the California Code of
23 Regulations, title 16, as follows:

24 qq. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or
25 fraudulently issued the electronic certificates of compliance for those vehicles without
26 performing bona fide inspections of the emission control devices and systems on those vehicles
27 as required by Health and Safety Code section 44012.

28 rr. **Section 3340.35, subdivision (c):** Respondent Amigos issued the

1 electronic certificates of compliance for those vehicles even though the vehicles had not been
2 inspected in accordance with section 3340.42 of that Code.

3 ss. **Section 3340.42:** Respondent Amigos failed to conduct the required
4 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

5 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

6 **(Dishonesty, Fraud or Deceit)**

7 48. Respondent Amigos has subjected his station license to discipline under Health
8 and Safety Code section 44072.2, subdivision (d), in that on or about March 19, 2007, regarding
9 the vehicles set forth in Table 4, above, he committed acts involving dishonesty, fraud or deceit
10 whereby another was injured by issuing the electronic certificates of compliance for those
11 vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby depriving
12 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
13 Program.

14 **THIRTIETH CAUSE FOR DISCIPLINE**

15 **(Violations of the Motor Vehicle Inspection Program)**

16 49. Respondent Rabadi has subjected his technician license to discipline under Health
17 and Safety Code section 44072.2, subdivision (a), in that on or about March 19, 2007, regarding
18 the vehicles set forth in Table 4, above, he violated sections of that Code, as follows:

19 tt. **Section 44012, subdivision (f):** Respondent Rabadi failed to perform
20 emission control tests on those vehicles in accordance with procedures prescribed by the
21 department.

22 uu. **Section 44032:** Respondent Rabadi failed to perform tests of the
23 emission control devices and systems on those vehicles in accordance with section 44012 of that
24 Code, in that the vehicles had been clean piped.

25 vv. **Section 44059:** Respondent Rabadi willfully made false entries for the
26 electronic certificates of compliance by certifying that those vehicles had been inspected as
27 required when, in fact, they had not.

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1 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

3 50. Respondent Rabadi has subjected his technician license to discipline under Health
4 and Safety Code section 44072.2, subdivision (c), in that on or about March 19, 2007, regarding
5 the vehicles set forth in Table 4, above, he violated sections of the California Code of
6 Regulations, title 16, as follows:

7 ww. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or
8 fraudulently issued the electronic certificates of compliance for those vehicles without
9 performing bona fide inspections of the emission control devices and systems on those vehicles
10 as required by Health and Safety Code section 44012.

11 xx. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect
12 and test those vehicles in accordance with Health and Safety Code section 44012.

13 yy. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false
14 information into the EIS for the electronic certificates of compliance for those vehicles by
15 entering vehicle identification information or emission control information for vehicles other
16 than the vehicles being tested.

17 zz. **Section 3340.42:** Respondent Rabadi failed to conduct the required
18 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

19 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud or Deceit)**

21 51. Respondent Rabadi has subjected his technician license to discipline under Health
22 and Safety Code section 44072.2, subdivision (d), in that on or about March 19, 2007, he
23 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the
24 electronic certificates of compliance for the vehicles set forth in Table 4, above, without
25 performing bona fide inspections of the emission control devices and systems on those vehicles,
26 thereby depriving the People of the State of California of the protection afforded by the Motor
27 Vehicle Inspection Program.

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1 **SURVEILLANCE OPERATION - APRIL 16, 2007**

2 52. On or about April 16, 2007, the Bureau performed a videotaped surveillance at
3 Respondent Amigos's facility. The surveillance operation and information obtained from the
4 Bureau's VID revealed that between approximately 0943 hours and 1011 hours, Respondent
5 Rabadi performed two (2) smog inspection one inspection resulting in the issuance of electronic
6 Certificate of Compliance No. VF902130C for a 1989 Ford F250, California License Plate No.
7 5N36993, certifying that he had tested and inspected the vehicle and the vehicle was in
8 compliance with applicable laws and regulations. In fact, Respondent Rabadi performed that
9 smog inspection using the clean piping method by using the tail pipe emissions of a Chevrolet
10 Caprice in order to issue the certificate of compliance. Respondent Rabadi performed the second
11 smog inspection of a 1988 Chevrolet S-10 pickup, California License Plate No. 3P32366, using
12 the tailpipe emissions of a Lexus GD300; however, no electronic certificate of compliance was
13 issued for that vehicle. Neither of the vehicles were in the test bay at the time the inspections
14 were performed.

15 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

16 **(Misleading Statements)**

17 53. Respondent Amigos has subjected his registration to discipline under Code
18 section 9884.7, subdivision (a)(1), in that on or about April 16, 2007, he made statements which
19 he knew or which by exercise of reasonable care he should have known were untrue or
20 misleading when he issued electronic Certificate of Compliance No. VF902130C for the 1989
21 Ford F250, certifying that the vehicle was in compliance with applicable laws and regulations
22 when, in fact, the vehicle had been clean piped.

23 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

24 **(Fraud)**

25 54. Respondent Amigos has subjected his registration to discipline under Code
26 section 9884.7, subdivision (a)(4), in that on or about April 16, 2007, he committed acts which
27 constitute fraud by issuing electronic Certificate of Compliance No. VF902130C for the 1989
28 Ford F250 without performing a bona fide inspection of the emission control devices and

1 systems on that vehicle, thereby depriving the People of the State of California of the protection
2 afforded by the Motor Vehicle Inspection Program.

3 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

4 **(Violation of the Motor Vehicle Inspection Program)**

5 55. Respondent Amigos has subjected his station license to discipline under Health
6 and Safety Code section 44072.2, subdivision (a), in that on or about April 16, 2007, he violated
7 sections of that Code, as follows:

8 aaa. **Section 44012, subdivision (f):** Respondent Amigos failed to perform
9 emission control tests on the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance with
10 procedures prescribed by the department.

11 bbb. **Section 44015, subdivision (b):** Respondent Amigos issued electronic
12 Certificate of Compliance No. VF902130C for the 1989 Ford F250 without properly testing and
13 inspecting the vehicle to determine if it was in compliance with section 44012 of that Code.

14 ccc. **Section 44059:** Respondent Amigos willfully made false entries for
15 electronic Certificate of Compliance No. VF902130C by certifying that the 1989 Ford F250 had
16 been inspected as required when, in fact, it had not.

17 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

18 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

19 56. Respondent Amigos has subjected his station license to discipline under Health
20 and Safety Code section 44072.2, subdivision (c), in that on or about April 16, 2007, he violated
21 sections of the California Code of Regulations, title 16, as follows:

22 ddd. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or
23 fraudulently issued electronic Certificate of Compliance No. VF902130C for the 1989 Ford F250
24 without performing a bona fide inspection of the emission control devices and systems on that
25 vehicle as required by Health and Safety Code section 44012.

26 eee. **Section 3340.35, subdivision (c):** Respondent Amigos issued electronic
27 Certificate of Compliance No. VF902130C for the 1989 Ford F250 even though the vehicle had
28 not been inspected in accordance with section 3340.42 of that Code.

1 fff. **Section 3340.42:** Respondent Amigos failed to conduct the required
2 smog tests and inspections on the 1989 Ford F250 and 1988 Chevrolet S10 in accordance with
3 the Bureau's specifications.

4 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

5 **(Dishonesty, Fraud or Deceit)**

6 57. Respondent Amigos has subjected his station license to discipline under Health
7 and Safety Code section 44072.2, subdivision (d), in that on or about April 16, 2007, regarding
8 the 1989 Ford F250, he committed acts involving dishonesty, fraud or deceit whereby another
9 was injured by issuing electronic Certificate of Compliance No. VF902130C for that vehicle
10 when, in fact, the vehicle had not been properly tested and inspected, thereby depriving the
11 People of the State of California of the protection afforded by the Motor Vehicle Inspection
12 Program.

13 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program)**

15 58. Respondent Rabadi has subjected his technician license to discipline under Health
16 and Safety Code section 44072.2, subdivision (a), in that on or about April 16, 2007, he violated
17 sections of that Code, as follows:

18 ggg. **Section 44012, subdivision (f):** Respondent Rabadi failed to perform
19 emission control tests on the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance with
20 procedures prescribed by the department.

21 hhh. **Section 44032:** Respondent Rabadi failed to perform tests of the
22 emission control devices and systems on the 1989 Ford F250 and the 1988 Chevrolet S10 in
23 accordance with section 44012 of that Code, in that the vehicles had been clean piped.

24 iii. **Section 44059:** Respondent Rabadi willfully made false entries for
25 electronic Certificate of Compliance No. VF902130C by certifying that the 1989 Ford F250 had
26 been inspected as required when, in fact, it had not.

27 ///

28 ///

1 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

3 59. Respondent Rabadi has subjected his technician license to discipline under Health
4 and Safety Code section 44072.2, subdivision (c), in that on or about April 16, 2007, he violated
5 sections of the California Code of Regulations, title 16, as follows:

6 jjj. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or
7 fraudulently issued electronic Certificate of Compliance No. VF902130C for the 1989 Ford F250
8 without performing a bona fide inspection of the emission control devices and systems on that
9 vehicle as required by Health and Safety Code section 44012.

10 kkk. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect
11 and test the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance with Health and Safety
12 Code section 44012.

13 lll. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false
14 information into the EIS for electronic Certificate of Compliance No. VF902130C for the 1989
15 Ford F250 by entering vehicle identification information or emission control information for a
16 vehicle other than the vehicle being tested.

17 mmm. **Section 3340.42:** Respondent Rabadi failed to conduct the required
18 smog tests and inspections of the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance
19 with the Bureau's specifications.

20 **FORTIETH CAUSE FOR DISCIPLINE**

21 **(Dishonesty, Fraud or Deceit)**

22 60. Respondent Rabadi has subjected his technician license to discipline under Health
23 and Safety Code section 44072.2, subdivision (d), in that on or about April 16, 2007, he
24 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing
25 electronic Certificate of Compliance No. VF902130C for the 1989 Ford F250 without
26 performing a bona fide inspection of the emission control devices and systems on that vehicle,
27 thereby depriving the People of the State of California of the protection afforded by the Motor
28 Vehicle Inspection Program.

1 **SURVEILLANCE OPERATION - OCTOBER 10, 2007**

2 61. On or about October 10, 2007, the Bureau performed a videotaped surveillance at
3 Respondent Amigos's facility. The surveillance operation and information obtained from the
4 Bureau's VID revealed that between approximately 1501 hours and 1533 hours, Respondent
5 Hannoush performed three (3) smog inspections that resulted in the issuance of electronic
6 certificates of compliance, certifying that he had tested and inspected the vehicles set forth in
7 Table 5, below, and that those vehicles were in compliance with applicable laws and regulations.
8 In fact, Respondent Hannoush performed the smog inspections using the clean piping method by
9 using the tail pipe emissions of vehicles other than the vehicles being certified in order to issue
10 the certificates of compliance.

11 **Table 5**

12

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Cert Issued
13 10/10/2007 14 1512 hours 15 to 1518 hours	1998 Lincoln Navigator Lic. No. 5TQJ347	2000 Ford Explorer	MU990192C

16

17 **FORTY-FIRST CAUSE FOR DISCIPLINE**

18 **(Misleading Statements)**

19 62. Respondent Amigos has subjected his registration to discipline under Code
20 section 9884.7, subdivision (a)(1), in that on or about October 10, 2007, he made statements
21 which he knew or which by exercise of reasonable care he should have known were untrue or
22 misleading when he issued the electronic certificates of compliance for the vehicles set forth in
23 Table 5, above, certifying that those vehicles were in compliance with applicable laws and
24 regulations when, in fact, the vehicles had been clean piped.

25 **FORTY-SECOND CAUSE FOR DISCIPLINE**

26 **(Fraud)**

27 63. Respondent Amigos has subjected his registration to discipline under Code
28 section 9884.7, subdivision (a)(4), in that on or about October 10, 2007, he committed acts

1 which constitute fraud by issuing the electronic certificates of compliance for the vehicles set
2 forth in Table 5, above, without performing bona fide inspections of the emission control devices
3 and systems on those vehicles, thereby depriving the People of the State of California of the
4 protection afforded by the Motor Vehicle Inspection Program.

5 **FORTY-THIRD CAUSE FOR DISCIPLINE**

6 **(Violation of the Motor Vehicle Inspection Program)**

7 64. Respondent Amigos has subjected his station license to discipline under Health
8 and Safety Code section 44072.2, subdivision (a), in that on or about October 10, 2007,
9 regarding the vehicles set forth in Table 5, above, he violated sections of that Code, as follows:

10 nnn. **Section 44012, subdivision (f):** Respondent Amigos failed to perform
11 emission control tests on those vehicles in accordance with procedures prescribed by the
12 department.

13 ooo. **Section 44015, subdivision (b):** Respondent Amigos issued the
14 electronic certificates of compliance for those vehicles without properly testing and inspecting
15 the vehicles to determine if they were in compliance with section 44012 of that Code.

16 ppp. **Section 44059:** Respondent Amigos willfully made false entries for the
17 electronic certificates of compliance by certifying that those vehicles had been inspected as
18 required when, in fact, they had not.

19 **FORTY-FOURTH CAUSE FOR DISCIPLINE**

20 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

21 65. Respondent Amigos has subjected his station license to discipline under Health
22 and Safety Code section 44072.2, subdivision (c), in that on or about October 10, 2007,
23 regarding the vehicles set forth in Table 5, above, he violated sections of the California Code of
24 Regulations, title 16, as follows:

25 qqq. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or
26 fraudulently issued the electronic certificates of compliance for those vehicles without
27 performing bona fide inspections of the emission control devices and systems on those vehicles
28 as required by Health and Safety Code section 44012.

1 rrr. **Section 3340.35, subdivision (c):** Respondent Amigos issued the
2 electronic certificates of compliance for those vehicles even though the vehicles had not been
3 inspected in accordance with section 3340.42 of that Code.

4 sss. **Section 3340.42:** Respondent Amigos failed to conduct the required
5 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

6 **FORTY-FIFTH CAUSE FOR DISCIPLINE**

7 **(Dishonesty, Fraud or Deceit)**

8 66. Respondent Amigos has subjected his station license to discipline under Health
9 and Safety Code section 44072.2, subdivision (d), in that on or about October 10, 2007,
10 regarding the vehicles set forth in Table 5, above, he committed acts involving dishonesty, fraud
11 or deceit whereby another was injured by issuing the electronic certificates of compliance for
12 those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby
13 depriving the People of the State of California of the protection afforded by the Motor Vehicle
14 Inspection Program.

15 **FORTY-SIXTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program)**

17 67. Respondent Hannoush has subjected his technician license to discipline under
18 Health and Safety Code section 44072.2, subdivision (a), in that on or about October 10, 2007,
19 regarding the vehicles set forth in Table 5, above, he violated sections of that Code, as follows:

20 ttt. **Section 44012, subdivision (f):** Respondent Hannoush failed to perform
21 emission control tests on those vehicles in accordance with procedures prescribed by the
22 department.

23 uuu. **Section 44032:** Respondent Hannoush failed to perform tests of the
24 emission control devices and systems on those vehicles in accordance with section 44012 of that
25 Code, in that the vehicles had been clean piped.

26 vvv. **Section 44059:** Respondent Hannoush willfully made false entries for
27 the electronic certificates of compliance by certifying that those vehicles had been inspected as
28 required when, in fact, they had not.

1 **FORTY-SEVENTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

3 68. Respondent Hannoush has subjected his technician license to discipline under
4 Health and Safety Code section 44072.2, subdivision (c), in that on or about October 10, 2007,
5 regarding the vehicles set forth in Table 5, above, he violated sections of the California Code of
6 Regulations, title 16, as follows:

7 www. **Section 3340.24, subdivision (c):** Respondent Hannoush falsely or
8 fraudulently issued the electronic certificates of compliance for those vehicles without
9 performing bona fide inspections of the emission control devices and systems on those vehicles
10 as required by Health and Safety Code section 44012.

11 xxx. **Section 3340.30, subdivision (a):** Respondent Hannoush failed to
12 inspect and test those vehicles in accordance with Health and Safety Code section 44012.

13 yyy. **Section 3340.41, subdivision (c):** Respondent Hannoush entered false
14 information into the EIS for the electronic certificates of compliance for those vehicles by
15 entering vehicle identification information or emission control information for vehicles other
16 than the vehicles being tested.

17 zzz. **Section 3340.42:** Respondent Hannoush failed to conduct the required
18 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

19 **FORTY-EIGHTH CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud or Deceit)**

21 69. Respondent Hannoush has subjected his technician license to discipline under
22 Health and Safety Code section 44072.2, subdivision (d), in that on or about October 10, 2007,
23 he committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing
24 the electronic certificates of compliance for the vehicles set forth in Table 5, above, without
25 performing bona fide inspections of the emission control devices and systems on those vehicles,
26 thereby depriving the People of the State of California of the protection afforded by the Motor
27 Vehicle Inspection Program.

28 ///

1 **SURVEILLANCE OPERATION - DECEMBER 14, 2007**

2 70. On or about December 14, 2007, the Bureau performed a videotaped surveillance
3 at Respondent Amigos's facility. The surveillance operation and information obtained from the
4 Bureau's VID revealed that between approximately 1659 hours and 1742 hours, Respondent Zait
5 performed three smog inspections that resulted in the issuance of three electronic certificates of
6 compliance, certifying that he had tested and inspected the vehicles set forth in Table 6, below,
7 and that those vehicles were in compliance with applicable laws and regulations, even though no
8 vehicles were observed exiting or entering the testing bay during this time frame. In fact,
9 Respondent Zait performed the smog inspections on at least two of the three vehicles using the
10 clean piping method by using the tail pipe emissions of vehicles other than the vehicles being
11 certified in order to issue the certificates of compliance.

12 **Table 6**

13

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Cert Issued
14 12/14/07 15 1659 hours to 16 1709 hours	1981 Chevrolet Monte Carlo (1CGF061)	Unknown	VL878025C
17 1714-1725	1992 Ford Bronco (3XFR401)	Unknown	VL878026C
18 1733-1742	1985 Nissan pickup (4B63403)	Unknown	VL878027C

19

20 **FORTY-NINTH CAUSE FOR DISCIPLINE**

21 **(Misleading Statements)**

22 71. Respondent Amigos has subjected his registration to discipline under Code
23 section 9884.7, subdivision (a)(1), in that on or about December 14, 2007, he made statements
24 which he knew or which by exercise of reasonable care he should have known were untrue or
25 misleading when he issued the electronic certificates of compliance for the vehicles set forth in
26 Table 6, above, certifying that those vehicles were in compliance with applicable laws and
27 regulations when, in fact, the vehicles had been clean piped.

28 ///

1 **FIFTIETH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 72. Respondent Amigos has subjected his registration to discipline under Code
4 section 9884.7, subdivision (a)(4), in that on or about December 14, 2007, he committed acts
5 which constitute fraud by issuing the electronic certificates of compliance for the vehicles set
6 forth in Table 6, above, without performing bona fide inspections of the emission control devices
7 and systems on those vehicles, thereby depriving the People of the State of California of the
8 protection afforded by the Motor Vehicle Inspection Program.

9 **FIFTY-FIRST CAUSE FOR DISCIPLINE**

10 **(Violation of the Motor Vehicle Inspection Program)**

11 73. Respondent Amigos has subjected his station license to discipline under Health
12 and Safety Code section 44072.2, subdivision (a), in that on or about December 14, 2007,
13 regarding the vehicles set forth in Table 6, above, he violated sections of that Code, as follows:

14 aaaa. **Section 44012, subdivision (f):** Respondent Amigos failed to perform
15 emission control tests on those vehicles in accordance with procedures prescribed by the
16 department.

17 bbbb. **Section 44015, subdivision (b):** Respondent Amigos issued the
18 electronic certificates of compliance for those vehicles without properly testing and inspecting
19 the vehicles to determine if they were in compliance with section 44012 of that Code.

20 cccc. **Section 44059:** Respondent Amigos willfully made false entries for the
21 electronic certificates of compliance by certifying that those vehicles had been inspected as
22 required when, in fact, they had not.

23 **FIFTY-SECOND CAUSE FOR DISCIPLINE**

24 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

25 74. Respondent Amigos has subjected his station license to discipline under Health
26 and Safety Code section 44072.2, subdivision (c), in that on or about December 14, 2007,
27 regarding the vehicles set forth in Table 6, above, he violated sections of the California Code of
28 Regulations, title 16, as follows:

1 dddd. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or
2 fraudulently issued the electronic certificates of compliance for those vehicles without
3 performing bona fide inspections of the emission control devices and systems on those vehicles
4 as required by Health and Safety Code section 44012.

5 eeee. **Section 3340.35, subdivision (c):** Respondent Amigos issued the
6 electronic certificates of compliance for those vehicles even though the vehicles had not been
7 inspected in accordance with section 3340.42 of that Code.

8 ffff. **Section 3340.42:** Respondent Amigos failed to conduct the required
9 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

10 **FIFTY-THIRD CAUSE FOR DISCIPLINE**

11 **(Dishonesty, Fraud or Deceit)**

12 75. Respondent Amigos has subjected his station license to discipline under Health
13 and Safety Code section 44072.2, subdivision (d), in that on or about December 14, 2007,
14 regarding the vehicles set forth in Table 6, above, he committed acts involving dishonesty, fraud
15 or deceit whereby another was injured by issuing the electronic certificates of compliance for
16 those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby
17 depriving the People of the State of California of the protection afforded by the Motor Vehicle
18 Inspection Program.

19 **FIFTY-FOURTH CAUSE FOR DISCIPLINE**

20 **(August 4, 2008 Conviction of Respondent Samer George Zait)**

21 76. Respondent Zait is subject to disciplinary action under section 490 of the Code, in
22 that on or about August 4, 2008, in a criminal proceeding entitled, *People of the State of*
23 *California v. Samer George Zait and Hazim Bassam Rabadi*, Riverside Superior Court Case No.
24 RIF 143748, Respondent Zait was convicted, pursuant to his plea of guilty, of violating section
25 502(c)(1) of the California Penal Code (unauthorized access to computer systems in order to
26 commit fraud), and section 4463(a)(2) of the California Vehicle Code (forged certificate of
27 compliance), misdemeanors both and crimes substantially related to the qualifications, functions,
28 and duties of an Automotive Repair Dealer and Smog Check Test Only Station Licensee. The

1 conviction arose out of the surveillance detailed in paragraph 70 and Table 6, above, and the
2 following facts:

3 a. On or about June 10, 2008, the Riverside County District Attorney filed a
4 six-count felony complaint in Riverside Superior Court against Respondent Zait, as detailed
5 above. The complaint alleged that on December 14, 2007, April 16, 2007, and March 19, 2007,
6 Respondent Zait violated section 502(c)(1) of the California Penal Code, by accessing computer
7 systems without authorization and in order to commit fraud, and section 4463(a)(2) of the
8 California Vehicle Code, by forging certificates of compliance with the smog check program. All
9 six counts were charged as felonies.

10 b. As a result of the conviction detailed in paragraph 76, the Court sentenced
11 Respondent Zait to summary probation for a period of 36 months; to the custody of the Riverside
12 County Sheriff for a term of 120 days, with 20 days credit for time served; to pay a total of
13 \$130.00 in booking and security fees; to pay a total of \$200.00 in probation revocation and
14 restitution fines, of which the probation revocation restitution fine was stayed; and other
15 standard terms of probation. The Court further ordered that the third through sixth counts of the
16 complaint be dismissed in the interest of justice, and that counts one and two be reduced to
17 misdemeanors.

18 **FIFTY-FIFTH CAUSE FOR DISCIPLINE**

19 **(January 9, 2009 Conviction of Respondent Hazim Bassam Rabadi)**

20 77. Respondent Rabadi is subject to disciplinary action under section 490 of the
21 Code, in that on or about January 9, 2009, in a criminal proceeding entitled, *People of the State*
22 *of California v. Samer George Zait and Hazim Bassam Rabadi*, Riverside Superior Court Case
23 No. RIF 143748, Respondent Rabadi was convicted, pursuant to his plea of guilty, of violating
24 section 502(c)(1) of the California Penal Code (unauthorized access to computer systems in
25 order to commit fraud), a misdemeanor and crime substantially related to the qualifications,
26 functions, and duties of an Advanced Emission Specialist Technician. The conviction arose out
27 of the surveillance detailed in paragraph 70 and Table 6, above, and the following facts:

28 a. On or about June 10, 2008, the Riverside County District Attorney filed a

1 six-count felony complaint in Riverside Superior Court against Respondent Rabadi, as detailed
2 above. The complaint alleged that on December 14, 2007, April 16, 2007, and March 19, 2007,
3 Respondent Zait violated section 502(c)(1) of the California Penal Code, by accessing computer
4 systems without authorization and in order to commit fraud, and section 4463(a)(2) of the
5 California Vehicle Code, by forging certificates of compliance with the smog check program. All
6 six counts were charged as felonies.

7 b. As a result of the conviction detailed in paragraph 77, the Court sentenced
8 Respondent Rabadi to summary probation for a period of 36 months; to the custody of the
9 Riverside County Sheriff for a term of 120 days, to be served on consecutive weekends with one
10 days credit for time served; to pay a total of \$140.00 in booking, citation, and security fees; to
11 pay a total of \$200.00 in probation revocation and restitution fines, of which the probation
12 revocation restitution fine was stayed; and other standard terms of probation. The Court further
13 ordered that the second through sixth counts of the complaint be dismissed in the interest of
14 justice against Respondent Rabadi, and that count one be reduced to a misdemeanor.

15 **FIFTY-SIXTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program)**

17 78. Respondent Rabadi has subjected his technician license to discipline under Health
18 and Safety Code section 44072.2, subdivision (a), in that on or about December 14, 2007,
19 regarding the vehicles set forth in Table 6, above, he violated sections of that Code, as follows:

20 gggg. **Section 44012, subdivision (f):** Respondent Rabadi failed to perform
21 emission control tests on those vehicles in accordance with procedures prescribed by the
22 department.

23 hhhh. **Section 44032:** Respondent Rabadi failed to perform tests of the
24 emission control devices and systems on those vehicles in accordance with section 44012 of that
25 Code, in that the vehicles had been clean piped.

26 iiii. **Section 44059:** Respondent Rabadi willfully made false entries for the
27 electronic certificates of compliance by certifying that those vehicles had been inspected as
28 required when, in fact, they had not.

1 **FIFTY-SEVENTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

3 79. Respondent Rabadi has subjected his technician license to discipline under Health
4 and Safety Code section 44072.2, subdivision (c), in that on or about December 14, 2007,
5 regarding the vehicles set forth in Table 6, above, he violated sections of the California Code of
6 Regulations, title 16, as follows:

7 j. Section 3340.24, subdivision (c): Respondent Rabadi falsely or
8 fraudulently issued the electronic certificates of compliance for those vehicles without
9 performing bona fide inspections of the emission control devices and systems on those vehicles
10 as required by Health and Safety Code section 44012.

11 k. Section 3340.30, subdivision (a): Respondent Rabadi failed to inspect
12 and test those vehicles in accordance with Health and Safety Code section 44012.

13 l. Section 3340.41, subdivision (c): Respondent Rabadi entered false
14 information into the EIS for the electronic certificates of compliance for those vehicles by
15 entering vehicle identification information or emission control information for vehicles other
16 than the vehicles being tested.

17 m. Section 3340.42: Respondent Rabadi failed to conduct the
18 required smog tests and inspections of those vehicles in accordance with the Bureau's
19 specifications.

20 **FIFTY-EIGHTH CAUSE FOR DISCIPLINE**

21 **(Dishonesty, Fraud or Deceit)**

22 80. Respondent Rabadi has subjected his technician license to discipline under Health
23 and Safety Code section 44072.2, subdivision (d), in that on or about December 14, 2007, he
24 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the
25 electronic certificates of compliance for the vehicles set forth in Table 6, above, without
26 performing bona fide inspections of the emission control devices and systems on those vehicles,
27 thereby depriving the People of the State of California of the protection afforded by the Motor
28 Vehicle Inspection Program.

1 **OTHER MATTERS**

2 81. Under Code section 9884.7, subdivision (c), the director may invalidate
3 temporarily or permanently or refuse to validate, the registrations for all places of business
4 operated in this state by Samer G. Zait, doing business as Amigos Test Only, upon a finding that
5 he has, or is, engaged in a course of repeated and willful violations of the laws and regulations
6 pertaining to an automotive repair dealer.

7 82. Under Health & Safety Code section 44072.8, if Smog Check Test Only Station
8 License Number TC 248720, issued to Samer G. Zait, doing business as Amigos Test Only, is
9 revoked or suspended, any additional license issued under this chapter including, but not limited
10 to Advanced Emission Specialist Technician License Number 152388, issued to
11 Samer George Zait may be likewise revoked or suspended by the director.

12 83. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist
13 Technician License Number EA 149714, issued to Hazim Bassam Rabadi, is revoked or
14 suspended, any additional license issued under this chapter in the name of said licensee may be
15 likewise revoked or suspended by the director.

16 84. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist
17 Technician License Number EA 143599, issued to Elias Hanna Hannoush, is revoked or
18 suspended, any additional license issued under this chapter, including, but not limited to Smog
19 Check Test Only Station License Number TC 252437, issued to Elias Hanna Hannoush may be
20 likewise revoked or suspended by the director.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein
23 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

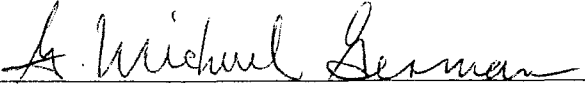
24 1. Temporarily or permanently invalidating Automotive Repair Dealer Registration
25 Number AC 248720, issued to Samer G. Zait doing business as Amigos Test Only;

26 2. Temporarily or permanently invalidating any other automotive repair dealer
27 registration issued to Samer G. Zait doing business as Amigos Test Only;

28 ///

3. Revoking or suspending Smog Check Test Only Station License Number TC 248720, issued to Samer G. Zait doing business as Amigos Test Only;
4. Revoking or suspending any additional license issued under Chapter 5 of the Health & Safety Code in the name of Samer G. Zait doing business as Amigos Test Only;
5. Revoking or suspending Advanced Emission Specialist Technician License Number EA 152388, issued to Samer George Zait;
6. Revoking or suspending any additional license issued under Chapter 5 of the Health & Safety Code in the name of Samer George Zait;
7. Revoking or suspending Advanced Emission Specialist Technician License Number EA 149714, issued to Hazim Bassam Rabadi;
8. Revoking or suspending any additional license issued under Chapter 5 of the Health & Safety Code in the name of Hazim Bassam Rabadi;
9. Revoking or suspending Advanced Emission Specialist Technician License Number EA 143599, issued to Elias Hanna Hannoush;
10. Revoking or suspending any additional license issued under Chapter 5 of the Health & Safety Code in the name of Elias Hanna Hannoush including, but not limited to Smog Check Test Only Station License Number TC 252437, issued to Elias Hanna Hannoush;
11. Ordering Samer G. Zait, Hazim Bassam Rabadi, and Elias Hanna Hannoush to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
12. Taking such other and further action as deemed necessary and proper.

DATED: March 2, 2009


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Deputy Attorney General for
SHERRY MEHL
Chief, Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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9 **BEFORE THE**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 79/09-22

13 **AMIGOS TEST ONLY**
9712 Jurupa Road, Space C
14 Riverside, California 92509
SAMER G. ZAIT, OWNER
15 Automotive Repair Dealer Registration
No. AC 248720
16 Smog Check Test Only Station License
No. TC 248720

A C C U S A T I O N
[SMOG CHECK]

17 and

18 **HAZIM BASSAM RABADI**
625 W. 48th Street
19 San Bernardino, California 92407
20 Advanced Emission Specialist Technician
License No. EA 149714,

21 and

22 **ELIAS HANNA HANNOUSH**
13260 Running Deer Road
23 Moreno Valley, California 92553
24 Advanced Emission Specialist Technician
License No. EA 143599

25 Respondents.
26

27 ///

28 ///

1 Sherry Mehl ("Complainant") alleges:

2 **PARTIES**

3 1. Complainant brings this Accusation solely in her official capacity as the
4 Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

5 **Automotive Repair Dealer Registration**

6 2. On or about January 4, 2006, the Bureau issued Automotive Repair Dealer
7 Registration Number AC 248720 ("registration") to Samer G. Zait ("Respondent"), doing
8 business as Amigos Test Only. The registration will expire on December 31, 2008, unless
9 renewed.

10 **Smog Check Test Only Station License**

11 3. On or about January 23, 2007, the Bureau issued Smog Check Test Only
12 Station License Number TC 248720 ("station license") to Respondent Amigos. The station
13 license will expire on December 31, 2008, unless renewed.

14 **Advanced Emission Specialist Technician License (Rabadi)**

15 4. On or about October 27, 2004, the Bureau issued Advanced Emission
16 Specialist Technician License Number EA 149714 ("technician license") to Hazim Bassam
17 Rabadi ("Respondent Rabadi"). The technician license will expire on January 31, 2009, unless
18 renewed.

19 **Advanced Emission Specialist Technician License (Hannoush)**

20 5. On a date uncertain in 2001, the Bureau issued Advanced Emission
21 Specialist Technician License Number EA 143599 ("technician license") to Elias Hanna
22 Hannoush ("Respondent Hannoush"). The technician license will expire on January 31, 2009,
23 unless renewed.

24 **STATUTORY PROVISIONS**

25 6. Section 9884.7 of the Business and Professions Code ("Code") states, in
26 pertinent part:

27 (a) The director, where the automotive repair dealer cannot show there was
28 a bona fide error, may refuse to validate, or may invalidate temporarily or
permanently, the registration of an automotive repair dealer for any of the

1 following acts or omissions related to the conduct of the business of the
2 automotive repair dealer, which are done by the automotive repair dealer or any
3 automotive technician, employee, partner, officer, or member of the automotive
4 repair dealer.

5 (1) Making or authorizing in any manner or by any means whatever any
6 statement written or oral which is untrue or misleading, and which is known, or
7 which by the exercise of reasonable care should be known, to be untrue or
8 misleading.

9 (4) Any other conduct which constitutes fraud.

10 (b) Except as provided for in subdivision (c), if an automotive repair
11 dealer operates more than one place of business in this state, the director pursuant
12 to subdivision (a) shall only invalidate temporarily or permanently the registration
13 of the specific place of business which has violated any of the provisions of this
14 chapter. This violation, or action by the director, shall not affect in any manner
15 the right of the automotive repair dealer to operate his or her other places of
16 business.

17 (c) Notwithstanding subdivision (b), the director may invalidate
18 temporarily or permanently, the registration for all places of business operated in
19 this state by an automotive repair dealer upon a finding that the automotive repair
20 dealer has, or is, engaged in a course of repeated and willful violations of this
21 chapter, or regulations adopted pursuant to it.

22 7. Code section 9884.13 provides, in pertinent part, that the expiration of a
23 valid registration shall not deprive the director or chief of jurisdiction to proceed with a
24 disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a
25 registration temporarily or permanently.

26 8. Code section 477 provides, in pertinent part, that "Board" includes
27 "bureau," "commission," "committee," "department," "division," "examining committee,"
28 "program," and "agency." "License" includes certificate, registration or other means to engage
in a business or profession regulated by the Code.

9. Section 44002 of the Health and Safety Code provides, in pertinent part,
that the Director has all the powers and authority granted under the Automotive Repair Act for
enforcing the Motor Vehicle Inspection Program.

10. Section 44072.2 of the Health and Safety Code states, in pertinent part:

The director may suspend, revoke, or take other disciplinary action against
a license as provided in this article if the licensee, or any partner, officer, or
director thereof, does any of the following:

///

1 (a) Violates any section of this chapter [the Motor Vehicle Inspection
2 Program (Health and Saf. Code, § 44000, et seq.)) and the regulations adopted
pursuant to it, which related to the licensed activities.

3 (c) Violates any of the regulations adopted by the director pursuant to this
4 chapter.

5 (d) Commits any act involving dishonesty, fraud, or deceit whereby
another is injured.

6 11. Section 44072.6 of the Health and Safety Code provides, in pertinent part,
7 that the expiration or suspension of a license by operation of law, or by order or decision of the
8 Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall
9 not deprive the Director of jurisdiction to proceed with disciplinary action.

10 12. Section 44072.8 of the Health & Safety Code states:

11 “When a license has been revoked or suspended following a hearing under this
12 article, any additional license issued under this chapter in the name of the licensee may be
13 likewise revoked or suspended by the director.”

14 **COST RECOVERY**

15 13. Code section 125.3 provides, in pertinent part, that a Board may request
16 the administrative law judge to direct a licensee found to have committed a violation or
17 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
18 and enforcement of the case.

19 **SURVEILLANCE OPERATION - MARCH 5, 2007**

20 14. On or about March 5, 2007, the Bureau performed a visual/videotaped
21 surveillance of Respondent Amigos’s facility. The surveillance operation and information
22 obtained from the Bureau’s Vehicle Information Database (“VID”) revealed that between
23 approximately 0854 hours and 1537 hours, Respondent Rabadi performed six (6) smog
24 inspections that resulted in the issuance of electronic certificates of compliance for the vehicles
25 set forth in Table 1, below, certifying that he had tested and inspected the vehicles and that the
26 vehicles were in compliance with applicable laws and regulations. In fact, Respondent Rabadi
27
28

performed the smog inspections using the clean piping¹ method by using the tail pipe emissions of vehicles other than the vehicles being certified in order to issue the certificates of compliance. The vehicles certified were not in the test bay at the time of the smog inspections.

Table 1

Date & Time	Vehicle Certified	Vehicle Actually Tested	Cert No.
3/5/2007 0854 hours to 0907 hours	1992 Lexus LS400 Lic. No. 4GXE498	Lexus GS300	VF322378C
3/5/2007 0923 hours to 0934 hours	1997 Pontiac Grand Am Lic. No. 3UDU102	Chevrolet S10 Pickup	VF322380C
3/5/2007 1415 hours to 1429 hours	1992 Acura Integra Lic. No. 2ZPH234	Chevrolet S10 Pickup	VF322394C
3/5/2007 1528 hours to 1537 hours	2000 Honda Civic Lic. No. 992557S	Chevrolet S10 Pickup	VF322395C

Table 1A

Date & Time	Vehicle to be Certified	Vehicle Actually Tested	Certificate
3/5/2007 1453 hours to 1503 hours	1992 Volkswagen Passat Lic. No. 4SBM185	Chevrolet S10 Pickup	No Cert Issued
3/5/2007 1509 hours to 1519 hours	1990 Volkswagen Vanagon	Chevrolet S10 Pickup	No Cert Issued

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1. "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in compliance or are not present in the smog check area during the time of the certification.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 15. Respondent Amigos has subjected his registration to discipline under Code
4 section 9884.7, subdivision (a)(1), in that on or about March 5, 2007, he made statements which
5 he knew or which by exercise of reasonable care he should have known were untrue or
6 misleading when he issued the electronic certificates of compliance for the vehicles set forth in
7 Table 1, above, certifying that the vehicles were in compliance with applicable laws and
8 regulations when, in fact, the vehicles had been clean piped.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 16. Respondent Amigos has subjected his registration to discipline under Code
12 section 9884.7, subdivision (a)(4), in that on or about March 5, 2007, he committed acts which
13 constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in
14 Table 1, above, without performing bona fide inspections of the emission control devices and
15 systems on those vehicles, thereby depriving the People of the State of California of the
16 protection afforded by the Motor Vehicle Inspection Program.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Violation of the Motor Vehicle Inspection Program)**

19 17. Respondent Amigos has subjected his station license to discipline under
20 Health and Safety Code section 44072.2, subdivision (a), in that on or about March 5, 2007, he
21 violated sections of that Code, as follows:

22 a. **Section 44012, subdivision (f):** Respondent Amigos failed to perform
23 emission control tests on the vehicles set forth in Tables 1 and 1A, above, in accordance with
24 procedures prescribed by the department.

25 b. **Section 44015, subdivision (b):** Respondent Amigos issued the
26 electronic certificates of compliance for the vehicles set forth in Table 1, above, without properly
27 testing and inspecting the vehicles to determine if they were in compliance with section 44012 of
28 that Code.

1 c. **Section 44059:** Respondent Amigos willfully made false entries for the
2 electronic certificates of compliance set forth in Table 1, above, by certifying that those vehicles
3 had been inspected as required when, in fact, they had not.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

6 18. Respondent Amigos has subjected his station license to discipline under
7 Health and Safety Code section 44072.2, subdivision (c), in that on or about March 5, 2007, he
8 violated sections of the California Code of Regulations, title 16, as follows:

9 a. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or
10 fraudulently issued the electronic certificates of compliance for the vehicles set forth in Table 1,
11 above, without performing bona fide inspections of the emission control devices and systems on
12 those vehicles as required by Health and Safety Code section 44012.

13 b. **Section 3340.35, subdivision (c):** Respondent Amigos issued the
14 electronic certificates of compliance for the vehicles set forth in Table 1, above, even though the
15 vehicles had not been inspected in accordance with section 3340.42 of that Code.

16 c. **Section 3340.42:** Respondent Amigos failed to conduct the required
17 smog tests and inspections on the vehicles set forth in Tables 1 and 1A, above, in accordance
18 with the Bureau's specifications.

19 **FIFTH CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud or Deceit)**

21 19. Respondent Amigos subjected his station license to discipline under
22 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 5, 2007,
23 regarding the vehicles set forth in Table 1, above, he committed acts involving dishonesty, fraud
24 or deceit whereby another was injured by issuing the electronic certificates of compliance for
25 those vehicles when, in fact, those vehicles had not been properly tested and inspected, thereby
26 depriving the People of the State of California of the protection afforded by the Motor Vehicle
27 Inspection Program.

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1 c. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false
2 information for the electronic certificates of compliance for the vehicles set forth in Table 1,
3 above, by entering vehicle identification information or emission control information for vehicles
4 other than the vehicles being tested.

5 d. **Section 3340.42:** Respondent Rabadi failed to conduct the required
6 smog tests and inspections on the vehicles set forth in Tables 1 and 1A, above, in accordance
7 with the Bureau's specifications.

8 **EIGHTH CAUSE FOR DISCIPLINE**

9 **(Dishonesty, Fraud or Deceit)**

10 22. Respondent Rabadi has subjected his technician license to discipline under
11 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 5, 2007, he
12 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the
13 electronic certificates of compliance for those vehicles without performing bona fide inspections
14 of the emission control devices and systems on the vehicles set forth in Table 1, above, thereby
15 depriving the People of the State of California of the protection afforded by the Motor Vehicle
16 Inspection Program.

17 **SURVEILLANCE OPERATION - MARCH 14, 2007**

18 23. On or about March 14, 2007, the Bureau performed a videotaped
19 surveillance of Respondent Amigos's facility. The surveillance operation and information
20 obtained from the Bureau's VID revealed that between approximately 1354 hours and 1516
21 hours, Respondent Rabadi performed five (5) smog inspections that resulted in the issuance of
22 electronic certificates of compliance, certifying that he had tested and inspected the vehicles set
23 forth in Table 2, below, and that those vehicles were in compliance with applicable laws and
24 regulations. In fact, Respondent Rabadi performed the smog inspections using the clean piping
25 method by using the tail pipe emissions of vehicles other than the vehicles being certified in
26 order to issue the certificates of compliance.

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Table 2

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Cert Issued
3/14/2007 1354 hours to 1403 hours	1999 Cadillac Seville Lic. No. 4EEC797	Chevrolet S-10 pickup	VF453084C
3/14/2007 1408 hours to 1417 hours	1984 Toyota pickup Lic. No. 7V90225	Chevrolet S-10 pickup	VF453085C
3/14/2007 1423 hours to 1438 hours	2000 Ford Mustang Lic. No. 703367S	Chevrolet S-10 pickup	VF453086C
3/14/2007 1442 hours to 1443 hours	1996 Mercury Cougar Lic. No. 3RBG437	Chevrolet S-10 pickup	No Cert Test Aborted
3/14/2007 1455 hours to 1503 hours	1996 Mercury Cougar Lic. No. 3RBG437	Chevrolet S-10 pickup	VF453087C
3/14/2007 1507 hours to 1516 hours	1999 Nissan Maxima Lic. No. 5WTG833	Chevrolet S-10 pickup	VF453088C

NINTH CAUSE FOR DISCIPLINE

(Misleading Statements)

24. Respondent Amigos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about March 14, 2007, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading when he issued the electronic certificates of compliance for the vehicles set forth in Table 2, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, the vehicles had been clean piped.

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1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 25. Respondent Amigos has subjected his registration to discipline under Code
4 section 9884.7, subdivision (a)(4), in that on or about March 14, 2007, he committed acts which
5 constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in
6 Table 2, above, without performing bona fide inspections of the emission control devices and
7 systems on those vehicles, thereby depriving the People of the State of California of the
8 protection afforded by the Motor Vehicle Inspection Program.

9 **ELEVENTH CAUSE FOR DISCIPLINE**

10 **(Violation of the Motor Vehicle Inspection Program)**

11 26. Respondent Amigos has subjected his station license to discipline under
12 Health and Safety Code section 44072.2, subdivision (a), in that on or about March 14, 2007,
13 regarding the vehicles set forth in Table 2, above, he violated sections of that Code, as follows:

14 a. **Section 44012, subdivision (f):** Respondent Amigos failed to perform
15 emission control tests on those vehicles in accordance with procedures prescribed by the
16 department.

17 b. **Section 44015, subdivision (b):** Respondent Amigos issued the
18 electronic certificates of compliance for those vehicles without properly testing and inspecting
19 the vehicles to determine if they were in compliance with section 44012 of that Code.

20 c. **Section 44059:** Respondent Amigos willfully made false entries for the
21 electronic certificates of compliance by certifying that those vehicles had been inspected as
22 required when, in fact, they had not.

23 **TWELFTH CAUSE FOR DISCIPLINE**

24 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

25 27. Respondent Amigos has subjected his station license to discipline under
26 Health and Safety Code section 44072.2, subdivision (c), in that on or about March 14, 2007,
27 regarding the vehicles set forth in Table 2, above, he violated sections of the California Code of
28 Regulations, title 16, as follows:

1 a. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or
2 fraudulently issued the electronic certificates of compliance for those vehicles without
3 performing bona fide inspections of the emission control devices and systems on those vehicles
4 as required by Health and Safety Code section 44012.

5 b. **Section 3340.35, subdivision (c):** Respondent Amigos issued the
6 electronic certificates of compliance for those vehicles even though the vehicles had not been
7 inspected in accordance with section 3340.42 of that Code.

8 c. **Section 3340.42:** Respondent Amigos failed to conduct the required
9 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

10 **THIRTEENTH CAUSE FOR DISCIPLINE**

11 **(Dishonesty, Fraud or Deceit)**

12 28. Respondent Amigos has subjected his station license to discipline under
13 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 14, 2007,
14 regarding the vehicles set forth in Table 2, above, he committed acts involving dishonesty, fraud
15 or deceit whereby another was injured by issuing the electronic certificates of compliance for
16 those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby
17 depriving the People of the State of California of the protection afforded by the Motor Vehicle
18 Inspection Program.

19 **FOURTEENTH CAUSE FOR DISCIPLINE**

20 **(Violations of the Motor Vehicle Inspection Program)**

21 29. Respondent Rabadi has subjected his technician license to discipline under
22 Health and Safety Code section 44072.2, subdivision (a), in that on or about March 14, 2007,
23 regarding the vehicles set forth in Table 2, above, he violated sections of that Code, as follows:

24 a. **Section 44012, subdivision (f):** Respondent Rabadi failed to perform
25 emission control tests on those vehicles in accordance with procedures prescribed by the
26 department.

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1 b. **Section 44032:** Respondent Rabadi failed to perform tests of the
2 emission control devices and systems on those vehicles in accordance with section 44012 of that
3 Code, in that the vehicles had been clean piped.

4 c. **Section 44059:** Respondent Rabadi made false entries for the electronic
5 certificates of compliance by certifying that those vehicles had been inspected as required when,
6 in fact, they had not.

7 **FIFTEENTH CAUSE FOR DISCIPLINE**

8 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

9 30. Respondent Rabadi has subjected his technician license to discipline under
10 Health and Safety Code section 44072.2, subdivision (c), in that on or about March 14, 2007,
11 regarding the vehicles set forth in Table 2, above, he violated sections of the California Code of
12 Regulations, title 16, as follows:

13 a. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or
14 fraudulently issued the electronic certificates of compliance for those vehicles without
15 performing bona fide inspections of the emission control devices and systems on those vehicles
16 as required by Health and Safety Code section 44012.

17 b. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect
18 and test those vehicles in accordance with Health and Safety Code section 44012.

19 c. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false
20 information into the EIS for the electronic certificates of compliance for those vehicles by
21 entering vehicle identification information or emission control information for vehicles other
22 than the vehicles being tested.

23 d. **Section 3340.42:** Respondent Rabadi failed to conduct the required
24 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

25 **SIXTEENTH CAUSE FOR DISCIPLINE**

26 **(Dishonesty, Fraud or Deceit)**

27 31. Respondent Rabadi has subjected his technician license to discipline under
28 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 14, 2007, he

committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the electronic certificates of compliance for the vehicles set forth in Table 2, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

SURVEILLANCE OPERATION - MARCH 15, 2007

32. On or about March 15, 2007, the Bureau performed a videotaped surveillance of Respondent Amigos's facility. The surveillance operation and information obtained from the Bureau's VID revealed that between approximately 1518 hours and 1552 hours, Respondent Rabadi performed three (3) smog inspections that resulted in the issuance of electronic certificates of compliance, certifying that he had tested and inspected the vehicles set forth in Table 3, below, and that those vehicles were in compliance with applicable laws and regulations. In fact, Respondent Rabadi performed the smog inspections using the clean piping method by using the tail pipe emissions of vehicles other than the vehicles being certified in order to issue the certificates of compliance.

Table 3

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Cert Issued
3/15/2007 1518 hours to 1527 hours	1993 Toyota pickup Lic. No. 8A65705	Chevrolet S-10 pickup	VF501968C
3/15/2007 1531 hours to 1540 hours	1988 Honda Civic Lic. No. 5HVT381	Chevrolet S-10 pickup	VF501969C
3/15/2007 1545 hours to 1552 hours	1992 Toyota Corolla Lic. No. 4ZCC255	Chevrolet S-10 pickup	VF501970C

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1 **SEVENTEENTH CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 33. Respondent Amigos has subjected his registration to discipline under Code
4 section 9884.7, subdivision (a)(1), in that on or about March 15, 2007, he made statements which
5 he knew or which by exercise of reasonable care he should have known were untrue or
6 misleading when he issued the electronic certificates of compliance for the vehicles set forth in
7 Table 3, above, certifying that those vehicles were in compliance with applicable laws and
8 regulations when, in fact, the vehicles had been clean piped.

9 **EIGHTEENTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 34. Respondent Amigos has subjected his registration to discipline under Code
12 section 9884.7, subdivision (a)(4), in that on or about March 15, 2007, he committed acts which
13 constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in
14 Table 3, above, without performing bona fide inspections of the emission control devices and
15 systems on those vehicles, thereby depriving the People of the State of California of the
16 protection afforded by the Motor Vehicle Inspection Program.

17 **NINETEENTH CAUSE FOR DISCIPLINE**

18 **(Violation of the Motor Vehicle Inspection Program)**

19 35. Respondent Amigos has subjected his station license to discipline under
20 Health and Safety Code section 44072.2, subdivision (a), in that on or about March 15, 2007,
21 regarding the vehicles set forth in Table 3, above, he violated sections of that Code, as follows:

22 a. **Section 44012, subdivision (f):** Respondent Amigos failed to perform
23 emission control tests on those vehicles in accordance with procedures prescribed by the
24 department.

25 b. **Section 44015, subdivision (b):** Respondent Amigos issued the
26 electronic certificates of compliance for those vehicles without properly testing and inspecting
27 the vehicles to determine if they were in compliance with section 44012 of that Code.

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1 c. **Section 44059:** Respondent Amigos willfully made false entries for the
2 electronic certificates of compliance by certifying that those vehicles had been inspected as
3 required when, in fact, they had not.

4 **TWENTIETH CAUSE FOR DISCIPLINE**

5 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

6 36. Respondent Amigos has subjected his station license to discipline under
7 Health and Safety Code section 44072.2, subdivision (c), in that on or about March 15, 2007,
8 regarding the vehicles set forth in Table 3, above, he violated sections of the California Code of
9 Regulations, title 16, as follows:

10 a. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or
11 fraudulently issued the electronic certificates of compliance for those vehicles without
12 performing bona fide inspections of the emission control devices and systems on those vehicles
13 as required by Health and Safety Code section 44012.

14 b. **Section 3340.35, subdivision (c):** Respondent Amigos issued the
15 electronic certificates of compliance for those vehicles even though the vehicles had not been
16 inspected in accordance with section 3340.42 of that Code.

17 c. **Section 3340.42:** Respondent Amigos failed to conduct the required
18 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

19 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud or Deceit)**

21 37. Respondent Amigos has subjected his station license to discipline under
22 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 15, 2007,
23 regarding the vehicles set forth in Table 3, above, he committed acts involving dishonesty, fraud
24 or deceit whereby another was injured by issuing the electronic certificates of compliance for
25 those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby
26 depriving the People of the State of California of the protection afforded by the Motor Vehicle
27 Inspection Program.

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1 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program)**

3 38. Respondent Rabadi has subjected his technician license to discipline under
4 Health and Safety Code section 44072.2, subdivision (a), in that on or about March 15, 2007,
5 regarding the vehicles set forth in Table 3, above, he violated sections of that Code, as follows:

6 a. **Section 44012, subdivision (f):** Respondent Rabadi failed to perform
7 emission control tests on those vehicles in accordance with procedures prescribed by the
8 department.

9 b. **Section 44032:** Respondent Rabadi failed to perform tests of the
10 emission control devices and systems on those vehicles in accordance with section 44012 of that
11 Code, in that the vehicles had been clean piped.

12 c. **Section 44059:** Respondent Rabadi willfully made false entries for the
13 electronic certificates of compliance by certifying that those vehicles had been inspected as
14 required when, in fact, they had not.

15 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

16 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

17 39. Respondent Rabadi has subjected his technician license to discipline under
18 Health and Safety Code section 44072.2, subdivision (c), in that on or about March 15, 2007,
19 regarding the vehicles set forth in Table 3, above, he violated sections of the California Code of
20 Regulations, title 16, as follows:

21 a. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or
22 fraudulently issued the electronic certificates of compliance for those vehicles without
23 performing bona fide inspections of the emission control devices and systems on those vehicles
24 as required by Health and Safety Code section 44012.

25 b. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect
26 and test those vehicles in accordance with Health and Safety Code section 44012.

27 c. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false
28 information into the EIS for the electronic certificates of compliance for those vehicles by

1 entering vehicle identification information or emission control information for vehicles other
2 than the vehicles being tested.

3 d. **Section 3340.42:** Respondent Rabadi failed to conduct the required
4 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

5 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

6 **(Dishonesty, Fraud or Deceit)**

7 40. Respondent Rabadi has subjected his technician license to discipline under
8 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 15, 2007, he
9 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the
10 electronic certificates of compliance for the vehicles set forth in Table 3, above, without
11 performing bona fide inspections of the emission control devices and systems on those vehicles,
12 thereby depriving the People of the State of California of the protection afforded by the Motor
13 Vehicle Inspection Program.

14 **SURVEILLANCE OPERATION - MARCH 19, 2007**

15 41. On or about March 19, 2007, the Bureau performed a videotaped
16 surveillance at Respondent Amigos's facility. The surveillance operation and information
17 obtained from the Bureau's VID revealed that between approximately 1458 hours and 1537
18 hours, Respondent Rabadi performed three (3) smog inspections that resulted in the issuance of
19 electronic certificates of compliance, certifying that he had tested and inspected the vehicles set
20 forth in Table 4, below, and that those vehicles were in compliance with applicable laws and
21 regulations. In fact, Respondent Rabadi performed the smog inspections using the clean piping
22 method by using the tail pipe emissions of vehicles other than the vehicles being certified in
23 order to issue the certificates of compliance.

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Table 4

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Cert Issued
3/19/2007 1458 hours to 1507 hours	1996 Oldsmobile Achieva Lic. No. 5EDC973	Chevrolet S-10 pickup	VF537867C
3/19/2007 1516 hours to 1523 hours	1989 GMC C2500 Sierra Lic. No. 3Z69296	Lexus GS300	VF537868C
3/19/2007 1528 hours to 1537 hours	1998 Toyota Corolla Lic. No. 4DVD644	Chevrolet SUV	VF537869C

TWENTY-FIFTH CAUSE FOR DISCIPLINE

(Misleading Statements)

42. Respondent Amigos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about March 19, 2007, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading when he issued the electronic certificates of compliance for the vehicles set forth in Table 4, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, the vehicles had been clean piped.

TWENTY-SIXTH CAUSE FOR DISCIPLINE

(Fraud)

43. Respondent Amigos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about March 19, 2007, he committed acts which constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in Table 4, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

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1 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

2 **(Violation of the Motor Vehicle Inspection Program)**

3 44. Respondent Amigos has subjected his station license to discipline under
4 Health and Safety Code section 44072.2, subdivision (a), in that on or about March 19, 2007,
5 regarding the vehicles set forth in Table 4, above, he violated sections of that Code, as follows:

6 a. **Section 44012, subdivision (f):** Respondent Amigos failed to perform
7 emission control tests on those vehicles in accordance with procedures prescribed by the
8 department.

9 b. **Section 44015, subdivision (b):** Respondent Amigos issued the
10 electronic certificates of compliance for those vehicles without properly testing and inspecting
11 the vehicles to determine if they were in compliance with section 44012 of that Code.

12 c. **Section 44059:** Respondent Amigos willfully made false entries for the
13 electronic certificates of compliance by certifying that those vehicles had been inspected as
14 required when, in fact, they had not.

15 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

16 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

17 45. Respondent Amigos has subjected his station license to discipline under
18 Health and Safety Code section 44072.2, subdivision (c), in that on or about March 19, 2007,
19 regarding the vehicles set forth in Table 4, above, he violated sections of the California Code of
20 Regulations, title 16, as follows:

21 a. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or
22 fraudulently issued the electronic certificates of compliance for those vehicles without
23 performing bona fide inspections of the emission control devices and systems on those vehicles
24 as required by Health and Safety Code section 44012.

25 b. **Section 3340.35, subdivision (c):** Respondent Amigos issued the
26 electronic certificates of compliance for those vehicles even though the vehicles had not been
27 inspected in accordance with section 3340.42 of that Code.

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1 c. **Section 3340.42:** Respondent Amigos failed to conduct the required
2 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

3 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud or Deceit)**

5 46. Respondent Amigos has subjected his station license to discipline under
6 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 19, 2007,
7 regarding the vehicles set forth in Table 4, above, he committed acts involving dishonesty, fraud
8 or deceit whereby another was injured by issuing the electronic certificates of compliance for
9 those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby
10 depriving the People of the State of California of the protection afforded by the Motor Vehicle
11 Inspection Program.

12 **THIRTIETH CAUSE FOR DISCIPLINE**

13 **(Violations of the Motor Vehicle Inspection Program)**

14 47. Respondent Rabadi has subjected his technician license to discipline under
15 Health and Safety Code section 44072.2, subdivision (a), in that on or about March 19, 2007,
16 regarding the vehicles set forth in Table 4, above, he violated sections of that Code, as follows:

17 a. **Section 44012, subdivision (f):** Respondent Rabadi failed to perform
18 emission control tests on those vehicles in accordance with procedures prescribed by the
19 department.

20 b. **Section 44032:** Respondent Rabadi failed to perform tests of the
21 emission control devices and systems on those vehicles in accordance with section 44012 of that
22 Code, in that the vehicles had been clean piped.

23 c. **Section 44059:** Respondent Rabadi willfully made false entries for the
24 electronic certificates of compliance by certifying that those vehicles had been inspected as
25 required when, in fact, they had not.

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1 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

3 48. Respondent Rabadi has subjected his technician license to discipline under
4 Health and Safety Code section 44072.2, subdivision (c), in that on or about March 19, 2007,
5 regarding the vehicles set forth in Table 4, above, he violated sections of the California Code of
6 Regulations, title 16, as follows:

7 a. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or
8 fraudulently issued the electronic certificates of compliance for those vehicles without
9 performing bona fide inspections of the emission control devices and systems on those vehicles
10 as required by Health and Safety Code section 44012.

11 b. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect
12 and test those vehicles in accordance with Health and Safety Code section 44012.

13 c. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false
14 information into the EIS for the electronic certificates of compliance for those vehicles by
15 entering vehicle identification information or emission control information for vehicles other
16 than the vehicles being tested.

17 d. **Section 3340.42:** Respondent Rabadi failed to conduct the required
18 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

19 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud or Deceit)**

21 49. Respondent Rabadi has subjected his technician license to discipline under
22 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 19, 2007, he
23 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the
24 electronic certificates of compliance for the vehicles set forth in Table 4, above, without
25 performing bona fide inspections of the emission control devices and systems on those vehicles,
26 thereby depriving the People of the State of California of the protection afforded by the Motor
27 Vehicle Inspection Program.

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1 systems on that vehicle, thereby depriving the People of the State of California of the protection
2 afforded by the Motor Vehicle Inspection Program.

3 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

4 **(Violation of the Motor Vehicle Inspection Program)**

5 53. Respondent Amigos has subjected his station license to discipline under
6 Health and Safety Code section 44072.2, subdivision (a), in that on or about April 16, 2007, he
7 violated sections of that Code, as follows:

8 a. **Section 44012, subdivision (f):** Respondent Amigos failed to perform
9 emission control tests on the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance with
10 procedures prescribed by the department.

11 b. **Section 44015, subdivision (b):** Respondent Amigos issued electronic
12 Certificate of Compliance No. VF902130C for the 1989 Ford F250 without properly testing and
13 inspecting the vehicle to determine if it was in compliance with section 44012 of that Code.

14 c. **Section 44059:** Respondent Amigos willfully made false entries for
15 electronic Certificate of Compliance No. VF902130C by certifying that the 1989 Ford F250 had
16 been inspected as required when, in fact, it had not.

17 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

18 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

19 54. Respondent Amigos has subjected his station license to discipline under
20 Health and Safety Code section 44072.2, subdivision (c), in that on or about April 16, 2007, he
21 violated sections of the California Code of Regulations, title 16, as follows:

22 a. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or
23 fraudulently issued electronic Certificate of Compliance No. VF902130C for the 1989 Ford F250
24 without performing a bona fide inspection of the emission control devices and systems on that
25 vehicle as required by Health and Safety Code section 44012.

26 b. **Section 3340.35, subdivision (c):** Respondent Amigos issued electronic
27 Certificate of Compliance No. VF902130C for the 1989 Ford F250 even though the vehicle had
28 not been inspected in accordance with section 3340.42 of that Code.

1 c. **Section 3340.42:** Respondent Amigos failed to conduct the required
2 smog tests and inspections on the 1989 Ford F250 and 1988 Chevrolet S10 in accordance with
3 the Bureau's specifications.

4 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

5 **(Dishonesty, Fraud or Deceit)**

6 55. Respondent Amigos has subjected his station license to discipline under
7 Health and Safety Code section 44072.2, subdivision (d), in that on or about April 16, 2007,
8 regarding the 1989 Ford F250, he committed acts involving dishonesty, fraud or deceit whereby
9 another was injured by issuing electronic Certificate of Compliance No. VF902130C for that
10 vehicle when, in fact, the vehicle had not been properly tested and inspected, thereby depriving
11 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
12 Program.

13 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program)**

15 56. Respondent Rabadi has subjected his technician license to discipline under
16 Health and Safety Code section 44072.2, subdivision (a), in that on or about April 16, 2007, he
17 violated sections of that Code, as follows:

18 a. **Section 44012, subdivision (f):** Respondent Rabadi failed to perform
19 emission control tests on the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance with
20 procedures prescribed by the department.

21 b. **Section 44032:** Respondent Rabadi failed to perform tests of the
22 emission control devices and systems on the 1989 Ford F250 and the 1988 Chevrolet S10 in
23 accordance with section 44012 of that Code, in that the vehicles had been clean piped.

24 c. **Section 44059:** Respondent Rabadi willfully made false entries for
25 electronic Certificate of Compliance No. VF902130C by certifying that the 1989 Ford F250 had
26 been inspected as required when, in fact, it had not.

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1 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

3 57. Respondent Rabadi has subjected his technician license to discipline under
4 Health and Safety Code section 44072.2, subdivision (c), in that on or about April 16, 2007, he
5 violated sections of the California Code of Regulations, title 16, as follows:

6 a. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or
7 fraudulently issued electronic Certificate of Compliance No. VF902130C for the 1989 Ford F250
8 without performing a bona fide inspection of the emission control devices and systems on that
9 vehicle as required by Health and Safety Code section 44012.

10 b. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect
11 and test the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance with Health and Safety
12 Code section 44012.

13 c. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false
14 information into the EIS for electronic Certificate of Compliance No. VF902130C for the 1989
15 Ford F250 by entering vehicle identification information or emission control information for a
16 vehicle other than the vehicle being tested.

17 d. **Section 3340.42:** Respondent Rabadi failed to conduct the required
18 smog tests and inspections of the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance
19 with the Bureau's specifications.

20 **FORTIETH CAUSE FOR DISCIPLINE**

21 **(Dishonesty, Fraud or Deceit)**

22 58. Respondent Rabadi has subjected his technician license to discipline under
23 Health and Safety Code section 44072.2, subdivision (d), in that on or about April 16, 2007, he
24 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing
25 electronic Certificate of Compliance No. VF902130C for the 1989 Ford F250 without
26 performing a bona fide inspection of the emission control devices and systems on that vehicle,
27 thereby depriving the People of the State of California of the protection afforded by the Motor
28 Vehicle Inspection Program.

1 **SURVEILLANCE OPERATION - OCTOBER 10, 2007**

2 59. On or about October 10, 2007, the Bureau performed a videotaped
3 surveillance at Respondent Amigos's facility. The surveillance operation and information
4 obtained from the Bureau's VID revealed that between approximately 1501 hours and 1533
5 hours, Respondent Hannoush performed three (3) smog inspections that resulted in the issuance
6 of electronic certificates of compliance, certifying that he had tested and inspected the vehicles
7 set forth in Table 5, below, and that those vehicles were in compliance with applicable laws and
8 regulations. In fact, Respondent Hannoush performed the smog inspections using the clean
9 piping method by using the tail pipe emissions of vehicles other than the vehicles being certified
10 in order to issue the certificates of compliance.

11 **Table 5**

12

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Cert Issued
10/10/2007 1512 hours to 1518 hours	1998 Lincoln Navigator Lic. No. 5TQJ347	2000 Ford Explorer	MU990192C

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16 **FORTY-FIRST CAUSE FOR DISCIPLINE**

17 **(Misleading Statements)**

18 60. Respondent Amigos has subjected his registration to discipline under Code
19 section 9884.7, subdivision (a)(1), in that on or about October 10, 2007, he made statements
20 which he knew or which by exercise of reasonable care he should have known were untrue or
21 misleading when he issued the electronic certificates of compliance for the vehicles set forth in
22 Table 5, above, certifying that those vehicles were in compliance with applicable laws and
23 regulations when, in fact, the vehicles had been clean piped.

24 **FORTY-SECOND CAUSE FOR DISCIPLINE**

25 **(Fraud)**

26 61. Respondent Amigos has subjected his registration to discipline under Code
27 section 9884.7, subdivision (a)(4), in that on or about October 10, 2007, he committed acts which
28

1 constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in
2 Table 5, above, without performing bona fide inspections of the emission control devices and
3 systems on those vehicles, thereby depriving the People of the State of California of the
4 protection afforded by the Motor Vehicle Inspection Program.

5 **FORTY-THIRD CAUSE FOR DISCIPLINE**

6 **(Violation of the Motor Vehicle Inspection Program)**

7 62. Respondent Amigos has subjected his station license to discipline under
8 Health and Safety Code section 44072.2, subdivision (a), in that on or about October 10, 2007,
9 regarding the vehicles set forth in Table 5, above, he violated sections of that Code, as follows:

10 a. **Section 44012, subdivision (f):** Respondent Amigos failed to perform
11 emission control tests on those vehicles in accordance with procedures prescribed by the
12 department.

13 b. **Section 44015, subdivision (b):** Respondent Amigos issued the
14 electronic certificates of compliance for those vehicles without properly testing and inspecting
15 the vehicles to determine if they were in compliance with section 44012 of that Code.

16 c. **Section 44059:** Respondent Amigos willfully made false entries for the
17 electronic certificates of compliance by certifying that those vehicles had been inspected as
18 required when, in fact, they had not.

19 **FORTY-FOURTH CAUSE FOR DISCIPLINE**

20 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

21 63. Respondent Amigos has subjected his station license to discipline under
22 Health and Safety Code section 44072.2, subdivision (c), in that on or about October 10, 2007,
23 regarding the vehicles set forth in Table 5, above, he violated sections of the California Code of
24 Regulations, title 16, as follows:

25 a. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or
26 fraudulently issued the electronic certificates of compliance for those vehicles without
27 performing bona fide inspections of the emission control devices and systems on those vehicles
28 as required by Health and Safety Code section 44012.

1 b. **Section 3340.35, subdivision (c):** Respondent Amigos issued the
2 electronic certificates of compliance for those vehicles even though the vehicles had not been
3 inspected in accordance with section 3340.42 of that Code.

4 c. **Section 3340.42:** Respondent Amigos failed to conduct the required
5 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

6 **FORTY-FIFTH CAUSE FOR DISCIPLINE**

7 **(Dishonesty, Fraud or Deceit)**

8 64. Respondent Amigos has subjected his station license to discipline under
9 Health and Safety Code section 44072.2, subdivision (d), in that on or about October 10, 2007,
10 regarding the vehicles set forth in Table 5, above, he committed acts involving dishonesty, fraud
11 or deceit whereby another was injured by issuing the electronic certificates of compliance for
12 those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby
13 depriving the People of the State of California of the protection afforded by the Motor Vehicle
14 Inspection Program.

15 **FORTY-SIXTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program)**

17 65. Respondent Hannoush has subjected his technician license to discipline
18 under Health and Safety Code section 44072.2, subdivision (a), in that on or about October 10,
19 2007, regarding the vehicles set forth in Table 5, above, he violated sections of that Code, as
20 follows:

21 a. **Section 44012, subdivision (f):** Respondent Hannoush failed to perform
22 emission control tests on those vehicles in accordance with procedures prescribed by the
23 department.

24 b. **Section 44032:** Respondent Hannoush failed to perform tests of the
25 emission control devices and systems on those vehicles in accordance with section 44012 of that
26 Code, in that the vehicles had been clean piped.

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1 c. **Section 44059:** Respondent Hannoush willfully made false entries for the
2 electronic certificates of compliance by certifying that those vehicles had been inspected as
3 required when, in fact, they had not.

4 **FORTY-SEVENTH CAUSE FOR DISCIPLINE**

5 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

6 66. Respondent Hannoush has subjected his technician license to discipline
7 under Health and Safety Code section 44072.2, subdivision (c), in that on or about October 10,
8 2007, regarding the vehicles set forth in Table 5, above, he violated sections of the California
9 Code of Regulations, title 16, as follows:

10 a. **Section 3340.24, subdivision (c):** Respondent Hannoush falsely or
11 fraudulently issued the electronic certificates of compliance for those vehicles without
12 performing bona fide inspections of the emission control devices and systems on those vehicles
13 as required by Health and Safety Code section 44012.

14 b. **Section 3340.30, subdivision (a):** Respondent Hannoush failed to
15 inspect and test those vehicles in accordance with Health and Safety Code section 44012.

16 c. **Section 3340.41, subdivision (c):** Respondent Hannoush entered false
17 information into the EIS for the electronic certificates of compliance for those vehicles by
18 entering vehicle identification information or emission control information for vehicles other
19 than the vehicles being tested.

20 d. **Section 3340.42:** Respondent Hannoush failed to conduct the required
21 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

22 **FORTY-EIGHTH CAUSE FOR DISCIPLINE**

23 **(Dishonesty, Fraud or Deceit)**

24 67. Respondent Hannoush has subjected his technician license to discipline
25 under Health and Safety Code section 44072.2, subdivision (d), in that on or about October 10,
26 2007, he committed acts involving dishonesty, fraud or deceit whereby another was injured by
27 issuing the electronic certificates of compliance for the vehicles set forth in Table 5, above,
28 without performing bona fide inspections of the emission control devices and systems on those

1 vehicles, thereby depriving the People of the State of California of the protection afforded by the
2 Motor Vehicle Inspection Program.

3 **OTHER MATTERS**

4 68. Under Code section 9884.7, subdivision (c), the director may invalidate
5 temporarily or permanently or refuse to validate, the registrations for all places of business
6 operated in this state by Samer G. Zait, doing business as Amigos Test Only, upon a finding that
7 he has, or is, engaged in a course of repeated and willful violations of the laws and regulations
8 pertaining to an automotive repair dealer.

9 69. Under Health & Safety Code section 44072.8, if Smog Check Test Only
10 Station License Number TC 248720, issued to Samer G. Zait, doing business as Amigos Test
11 Only, is revoked or suspended, any additional license issued under this chapter including, but not
12 limited to Advanced Emission Specialist Technician License Number 152388, issued to
13 Samer George Zait may be likewise revoked or suspended by the director.

14 70. Under Health and Safety Code section 44072.8, if Advanced Emission
15 Specialist Technician License Number EA 149714, issued to Hazim Bassam Rabadi, is revoked
16 or suspended, any additional license issued under this chapter in the name of said licensee may
17 be likewise revoked or suspended by the director.

18 71. Under Health and Safety Code section 44072.8, if Advanced Emission
19 Specialist Technician License Number EA 143599, issued to Elias Hanna Hannoush, is revoked
20 or suspended, any additional license issued under this chapter, including, but not limited to Smog
21 Check Test Only Station License Number TC 252437, issued to Elias Hanna Hannoush may be
22 likewise revoked or suspended by the director.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein
25 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

26 1. Temporarily or permanently invalidating Automotive Repair Dealer
27 Registration Number AC 248720, issued to Samer G. Zait doing business as Amigos Test Only;

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- 1 2. Temporarily or permanently invalidating any other automotive repair
- 2 dealer registration issued to Samer G. Zait doing business as Amigos Test Only;
- 3 3. Revoking or suspending Smog Check Test Only Station License Number
- 4 TC 248720, issued to Samer G. Zait doing business as Amigos Test Only;
- 5 4. Revoking or suspending any additional license issued under Chapter 5 of
- 6 the Health & Safety Code in the name of Samer G. Zait doing business as Amigos Test Only;
- 7 5. Revoking or suspending Advanced Emission Specialist Technician
- 8 License Number EA 152388, issued to Samer George Zait;
- 9 6. Revoking or suspending any additional license issued under Chapter 5 of
- 10 the Health & Safety Code in the name of Samer George Zait;
- 11 7. Revoking or suspending Advanced Emission Specialist Technician
- 12 License Number EA 149714, issued to Hazim Bassam Rabadi;
- 13 8. Revoking or suspending any additional license issued under Chapter 5 of
- 14 the Health & Safety Code in the name of Hazim Bassam Rabadi;
- 15 9. Revoking or suspending Advanced Emission Specialist Technician
- 16 License Number EA 143599, issued to Elias Hanna Hannoush;
- 17 10. Revoking or suspending any additional license issued under Chapter 5 of
- 18 the Health & Safety Code in the name of Elias Hanna Hannoush including, but not limited to
- 19 Smog Check Test Only Station License Number TC 252437, issued to Elias Hanna Hannoush;
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1 11. Ordering Samer G. Zait, Hazim Bassam Rabadi, and Elias Hanna
2 Hannoush to pay the Bureau of Automotive Repair the reasonable costs of the investigation and
3 enforcement of this case, pursuant to Code section 125.3; and,

4 12. Taking such other and further action as deemed necessary and proper.
5

6 DATED: 9-18-08

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8 
9 SHERRY MEHL
10 Chief
11 Bureau of Automotive Repair
12 Department of Consumer Affairs
13 State of California
14 Complainant
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